



**CYNGOR BWRDEISTREF SIROL**  
**RHONDDA CYNON TAF**  
**COUNTY BOROUGH COUNCIL**

**COMMITTEE SUMMONS**

C Hanagan  
Service Director of Democratic Services & Communication  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale CF40 2XX

Meeting Contact: Jess Daniel - Council Business Unit, Democratic Services (01443 424103)

A virtual meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 17TH DECEMBER, 2020** at **3.00 PM**.

NON-COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC MAY REQUEST THE FACILITY TO ADDRESS THE COMMITTEE AT THEIR MEETING ON THE BUSINESS LISTED. IT IS KINDLY ASKED THAT SUCH NOTIFICATION IS MADE TO **PLANNINGSERVICES@RCTCBC.GOV.UK** BY 5PM ON TUESDAY, 15 DECEMBER 2020, INCLUDING STIPULATING WHETHER THE ADDRESS WILL BE IN WELSH OR ENGLISH.

THE ORDER OF THE AGENDA MAY BE SUBJECT TO AMENDMENT TO BEST FACILITATE THE BUSINESS OF THE COMMITTEE

**AGENDA**

**1. DECLARATION OF INTEREST**

To receive disclosures of personal interest from Members in accordance with the Code of Conduct.

**Note:**

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest; and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they **must** notify the Chairman when they leave.

**2. HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

To note, that when Committee Members determine the development

control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the Convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

### **3. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

To note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### **4. MINUTES**

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 5<sup>th</sup> November 2020.

5 - 10

## **APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT**

### **5. APPLICATION NO: 19/0790**

Classroom extension (Revised site layout plan and Coal Mining Risk Assessment received 28th October 2020).

**YSGOL GYNRADD GYMUNEDOL GYMRAEG LLANTRISANT, FFORDD CEFN-YR-HENDY, MISKIN, PONTYCLUN, CF72 8TL.**

11 - 18

### **6. APPLICATION NO: 20/0719**

Proposed change of use from vehicle rental to used car sales.

**ENTERPRISE RENT A CAR, CARDIFF ROAD, Y DDRAENEN WEN, PONTYPRIDD, CF37 5BB**

19 - 28

### **7. APPLICATION NO: 20/0786**

Change of use class from Law Courts and ancillary accommodation to: A2 financial and professional services, B1 business, B8 storage and distribution, D1 non-residential institutions and D2 assembly and leisure.

**FORMER MAGISTRATES COURT, LLWYNPIA ROAD, LLWYN-Y-PIA, TONYPANDY, CF40 2HZ.**

29 - 38

### **8. APPLICATION NO: 20/0845**

Garage (Amended plans received 06/11/2020 – roller shutter door widened to 5 metres).

**MEMORIAL GARDEN, GROVE TERRACE, LLANHARAN CF72 9PR**

39 - 46

**9. APPLICATION NO: 20/0984**

Proposed new building to house a 500kw biomass boiler, woodchip storage area together with an office extension and associated works.

**SIXTEENTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN.**

47 - 58

**10. APPLICATION NO: 20/1076**

Change of use of land for erection of a structure for use by coaster karts, alterations to existing Lamp Room building together with associated works

**LAND AT RHIGOS MOUNTAIN AND FORMER TOWER COLLIERY SITE, RHIGOS ROAD, HIRWAUN, ABERDARE.**

59 - 78

**11. APPLICATION NO: 20/1141**

Change of house type from two pair of semi-detached to two detached dwellings.

**Rhigos Road, Hirwaun, Aberdare.**

79 - 88

**DEFERRED APPLICATIONS**

**12. APPLICATION NO: 20/0464/10**

Proposed residential development and associated works.

**Land at Coleg y Cymoedd, Cwmdare Road, Cwmdare.**

89 - 112

**INFORMATION REPORT**

**13. INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

To inform Members of the following, for the period 23/11/2020 – 04/12/2020

Planning and Enforcement Appeals Decisions Received  
Delegated Decisions Approvals and Refusals with reasons.

113 - 124

**14. URGENT BUSINESS**

To consider any items which the Chairman by reason of special circumstances is of the opinion should be considered at the Meeting as a matter of urgency.

## **Service Director of Democratic Services & Communication**

### **Circulation:-**

#### **Members of the Planning & Development Committee**

The Chair and Vice-Chair of the Planning & Development Committee  
(County Borough Councillor S Rees and County Borough Councillor G Caple respectively)

County Borough Councillors: Councillor J Bonetto, Councillor P Jarman,  
Councillor D Grehan, Councillor G Hughes, Councillor J Williams, Councillor W Owen,  
Councillor R Yeo, Councillor D Williams and Councillor S Powderhill

Service Director of Democratic Services & Communication  
Director of Prosperity & Development  
Head of Major Development and Investment  
Head of Planning  
Head of Legal Services  
Senior Engineer



**RHONDDA CYNON TAF COUNCIL PLANNING AND DEVELOPMENT COMMITTEE**  
Minutes of the virtual meeting of the Planning and Development Committee held on Thursday, 5  
November 2020 at 3.00 pm.

**County Borough Councillors - Planning and Development Committee Members in  
attendance:-**

Councillor S Rees (Chair)

Councillor G Caple	Councillor J Bonetto
Councillor P Jarman	Councillor D Grehan
Councillor G Hughes	Councillor J Williams
Councillor W Owen	Councillor R Yeo
Councillor D Williams	Councillor S Powderhill

**Officers in attendance:-**

Mr C Jones, Head of Major Development and Investment  
Mr S Humphreys, Head of Legal Services  
Mr A Rees, Senior Engineer

**County Borough Councillors in attendance:-**

Councillor R Bevan and Councillor D Owen-Jones

**16 DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

**17 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

It was **RESOLVED** to note that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

**18 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

It was **RESOLVED** to note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

**19 MINUTES**

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 3<sup>rd</sup> September 2020.

**20 CHANGE TO THE AGENDA**

The Committee agreed that the agenda would be considered out of sequence and as detailed in the minutes set out hereunder.

**21 APPLICATION NO: 20/0701**

**Retrospective planning for driveway, porch, rear fencing, rear veranda and other external works. (Additional plans received 25/08/20) (Amended Plans received 28/09/20). 21 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP**

In accordance with adopted procedures, the Committee received the following public speakers who were afforded five minutes to address Members on the above-mentioned proposal:

- Mr S Richardson (Applicant)
- Ms S Wadden (Objector)

The applicant exercised the right to respond to the comments made by the objectors.

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**(Note:** County Borough Councillor G Hughes abstained from the vote as he was not present for the whole discussion)

**22 APPLICATION NO: 19/1066**

**Section 73 - Variation of conditions 1, 2, & 3 of planning permission 10/0792/13 to allow further time for the submission of reserved matters - (original permission granted on appeal 18th October 2016). FORMER YNYSCYNON FARM, CWMBACH, ABERDARE, CF44 0JL**

The Head of Major Development and Investment outlined the details of the application to Committee and reported orally on an error contained in the description of the development in the report. He advised members that the correct wording should be as follows:

*Variation of conditions 2, & 3 of planning permission 10/0792/13 to allow further time for the submission of reserved matters - (original permission granted on appeal 18th October 2016).*

He also informed Committee Members of a late consultation response received from Natural Resources Wales in relation to the application which has resulted in the recommendation of an additional condition (as detailed below) should Members be minded to approve the application.

The Head of Major Development and Investment continued the presentation of the report to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to

- a Section 106 Agreement provide and affordable housing contribution of 4 no. two bedroom units for low cost home ownership, 4 no. two bedroom units for social rent and 1 no. four bedroom unit for social rent and and employment skills training plan; and
- the conditions outlined within the report and the following additional condition, as requested by Natural Resources Wales:

*Prior to the submission of details for the approval of reserved matters, details of further dormouse surveys (including nesting tube surveys), their findings and recommendations shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance with the survey findings and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.*

**23 APPLICATION NO: 19/1278**

**Outline application with all matters reserved for 5 residential dwellings (demolition of existing buildings) (Amended plan to include bat roost mitigation measures rec. 12/08/2020) THE OLD SCHOOL, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0UT**

The Head Of Major Development & Investment read the contents of a written submission from Tektonic Ltd (Applicant).

The Head Of Major Development & Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to the completion of a section 106 agreement requiring the long-term maintenance and management of the proposed bat house, which would be located within the rear garden area of plot 5.

**24 APPLICATION NO: 20/0349**

**Change of use from hotel into 9 flats (Preliminary Bat Roost and Nesting Bird Assessment rec. 28/09/2020) APOLLO BUILDING, ABER-RHONDDA ROAD, PORTH, CF39 0LD**

The Head Of Major Development & Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**25 APPLICATION NO: 20/0553**

**Solar farm including substation, fencing and below ground cabling. (revised drainage strategy received 17th July 2020) LAND OFF PANTYBRAD ROAD, LLANTRISANT ROAD, YNYSMAERDY, LLANTRISANT,**

**CF72 8YY**

The Head Of Major Development & Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**26 APPLICATION NO: 20/0671**

**Proposed barn. (Coal Mining Risk Assessment rec. 08/09/2020) LAND NORTH OF MOSS PLACE, ABER-NANT, ABERDARE, CF44 0YU**

The Head Of Major Development & Investment presented the application to Committee and reported orally on a recommended amendment to condition 8 contained within the report to remove the requirement for the removal of the domestic shed.

**(Note:** At this point in proceedings and in accordance with the Code of Conduct, County Borough Councillor P Jarman declared a personal interest in this matter - 'The applicant is known to me as a constituent however I have not discussed the application with them.')

Following further discussion by Committee it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to condition 8 being amended to read as follows:

*The touring caravan shall be removed from the site upon the first beneficial use of the barn hereby approved. Reason: In the interests of the visual amenity of the surrounding area, in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.*

**27 APPLICATION NO: 20/0827**

**Change of use from A3 coffee house to A3 fish and chip shop (takeaway). 6 MILL STREET, TONYREFAIL, PORTH, CF39 8AA**

Non-Committee/ Local Member – County Borough Councillor D Owen-Jones spoke on the application and put forward his objections in respect of the proposed application.

The Head of Major Development and Investment presented the application to Committee and following lengthy discussion it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**28 APPLICATION NO: 20/0877**

**2 no. proposed 2 storey innovation units with minor amendments to the adjacent highway. ELY VALLEY BUSINESS PARK, STATION TERRACE, PONTYCLUN**

In accordance with adopted procedures, the Head of Major Development and Investment read out the contents of 3 written submissions from the following:



- Mr G Williams (Applicant)
- Councillor M Griffiths (Objector)
- Mr P Griffiths on behalf of Pontyclun Community Council (Objector)

The Head of Major development and Investment presented the application to Committee and following lengthy consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

(**Note:** A motion to refuse the application for the reason that the development was inappropriate development on a green wedge and flood plain was unsuccessful)

**29 APPLICATION NO: 20/0843/10**

**APPLICATION NO: 20/0843/10 Proposed dwelling. Land between Wattstown Rugby Club and 25 Danygraig Terrace, Ynyshir**

The Head of Major Development and Investment presented the application which was originally reported to Committee on 15<sup>th</sup> October 2020, where Members were minded to approve the application, contrary to the officer recommendation of the Service Director, Planning (Minute 7 refers).

Members gave consideration to the further report, although following lengthy discussions Members felt their original concerns regarding the stability of the site and the tip had not been adequately addressed in the report back and further questions were raised. It was therefore **RESOLVED** to defer the application for a further report to advise Members on the stability of the site and the tip to the rear and the implications of the watercourse, shown on the photographs presented to Members, on the development and tip stability. Members requested that an officer of the Council attend the site in person to advise on the ground conditions and risk.

**30 INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

Members **RESOLVED** to receive the report of the Service Director, Planning in relation to Planning and Enforcement Appeal Decisions received, Delegated Decisions Approvals and Refusals with reasons, Overview of Enforcement Cases and Enforcement Delegated Decisions received for the period 05/10/2020 – 23/10/2020.

**This meeting closed at 5.05 pm**

**CLLR S REES  
CHAIR.**

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## **PLANNING & DEVELOPMENT COMMITTEE**

**17 DECEMBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0790/08 (GH)  
**APPLICANT:** Rhondda Cynon Taf County Borough Council  
**DEVELOPMENT:** Classroom extension (Revised site layout plan and Coal Mining Risk Assessment received 28th October 2020).  
**LOCATION:** YSGOL GYNRADD GYMUNEDOL GYMRAEG  
LLANTRISANT, FFORDD CEFN-YR-HENDY, MISKIN,  
PONTYCLUN, CF72 8TL  
**DATE REGISTERED:** 28/10/2020  
**ELECTORAL DIVISION:** Pontyclun

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

#### **REASONS:**

The application would provide additional classroom teaching facilities for children attending Ysgol Gynradd Gymunedol Gymraeg Llantrisant. Both the new and existing demountable classroom blocks would be clad to look contemporary and integrate with the setting of the school. The classroom would be well screened and being set away from neighbouring dwellings and adjacent to open space, would have no impact on residential amenity.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The application has been submitted by the Council, on land within its ownership, and where the Council's interest is of more than a minor nature.

#### **APPLICATION DETAILS**

Full planning consent is sought to construct a demountable classroom within the grounds of Ysgol Gynradd Gymunedol Gymraeg Llantrisant.

With a width of 12.2m and a depth of 6.8m, the new demountable would be of an identical size and internal layout to the existing, comprising a 60m<sup>2</sup> classroom, two toilets, a store and a lobby. The applicant has advised that the additional classroom is required to enable flexibility of teaching and to meet increased pupil demand; and is being funded by a grant from the Welsh Government.

The combined new and old classrooms would be clad with brickwork slips, which would lend the structure a more conventional appearance and help it to relate better to the more traditional elevations of the main school building. Furthermore, it is expected that the classrooms would be able to be set a little lower into the ground to avoid the need for ramps and steps.

Originally it was proposed that the existing demountable classroom would be repositioned around 5m to the north-west of its current location, so that the new unit could be placed behind and in tandem with it.

However, during the consultation process the Coal Authority raised an objection in respect of the proximity of the new unit to an old mine shaft on the other side of the school boundary.

Consequently, a Coal Mining Risk Assessment and ground investigation was sought and commissioned, resulting the existing demountable being located 12m to the north, rather than 5m, so that the new classroom would not fall within the shaft's zone of influence.

In addition, a further plan was submitted demonstrating revisions to the School's car park layout to enable the creation of a further 3 off-street spaces, in order to satisfy concerns highlighted by the Council's Highways and Transportation Section.

## **SITE APPRAISAL**

The application property is a Welsh medium primary school, with associated nursery provision, located to the north of the settlement of Miskin.

Opened in 2005, the development of the school was contemporary to the surrounding residential development, the boundaries of which intersect to the north, east and west. The main pupil access to the site is from Ffordd Cefn-Yr-Hendy, although the school car park has a separate entrance from Bryn Dewi Sant.

The school site consists of the main two storey building, the attached nursery, and demountable classroom, whilst land within the curtilage is laid out for play and learning and incorporates hard and soft landscaped areas.

The new demountable unit would be positioned adjacent to the southern boundary of the site, where the adjoining land is designated as a Site of Importance for Nature Conservation (SINC) and through which Public Right of Way ANT/316/5 passes.

## PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

- 12/0873/01:** Erection of 3 flag poles (Welsh flag, eco-schools flag and Fairtrade schools flag). Decision: 24/09/2012, Granted
- 10/0523/08:** Installation of a single pre fabricated building to provide 1no. classroom and a toilet facility. Decision: 23/07/2010, Granted
- 02/1479/08:** Erection of a 360 no. pupil capacity Junior School (amended description & amended plans received 28.11.02). Decision: 24/01/2003, Granted

## PUBLICITY

The application has been advertised by direct notification to twenty-four neighbouring properties and notices were erected on site.

One letter of objection was received from a resident objecting to the proposal since the project had already been started before neighbours had had the opportunity to view plans and comment.

A re-consultation was undertaken on receipt of the aforementioned revised plans, to which no further representations were received at the time of writing.

## CONSULTATION

### Highways and Transportation

Initially an objection was raised in respect of off-street parking provision; however revised plans have since been received to add the requested additional spaces.

### Public Health and Protection

Conditions are suggested in respect of noise, dust, waste and hours of operation. However, given the size of the development and context of the site, it is considered that these matters can be best dealt with by an informative note to any consent.

### Countryside – Ecologist

The existing structure looks to have pretty minimal bat roost potential, and as such it would be unreasonable to require a bat survey.

### The Coal Authority

The Coal Authority previously advised that the applicant should revise the scheme to position the development outside of the worst-case zone of influence for mine 304181-017. This recommendation was included in the Coal Mining Risk Assessment Report (Earth Science Partnership, March 2020) submitted by the applicant.

The applicant has now submitted a revised proposed site plan (drawing no. PTK00GFDRA04P01) which plots the mine entry and its zone of influence alongside the revised positioning of the classroom extension. The proposed new single classroom extension now falls just beyond the zone of influence for the mine entry. The Coal Authority expects that the relevant competent person who has calculated this zone of influence has taken into account all relevant information pertaining to ground information.

On the basis of revised proposed site plan being that for determination as part of this planning application, the Coal Authority withdraws its objection to this planning application.

#### Drainage

The applicant has proposed to discharge the surface water for the site via an existing soakaway.

As the detail associated to the construction of a suitable soakaway is covered by the building regulations there is no objection to the method of disposal proposed and the layout indicated within the application.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Miskin

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10** - supports development proposals which are not detrimental to public health or the environment

#### Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements

## **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant national policy guidance considered:

PPW Technical Advice Note 12 - Design

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

#### **Principle of the proposed development**

The application site lies within settlement limits and within the curtilage of the school site, where the land use is well-established. Consequently, it is considered that in principle the proposal is acceptable, subject to consideration of the material matters below.

#### **Impact on the character and appearance of the area**

Noting the scale of the proposal, compared to the size of the premises and the layout of the existing school buildings and grounds, the development is considered to be acceptable.

The single storey demountable classroom extension would be located well into the site. Given the distance from the street scene and residential properties, together with the intervening screening by vegetation and other elevations, it would be unlikely to be very visible from the public realm.

The development would also result in the external refurbishment of the existing demountable structure so that the two units, once joined, would have more traditional appearance that would not detract from the character of the site.

The application is therefore considered acceptable in this regard.

### **Impact on neighbouring occupiers**

Whilst the application site is located in an area which is generally residential in character, the extension would be sited around 30m metres from the nearest residential property at Bryn Dewi Sant and in excess of 90m from other dwellings to the east.

Many of the views towards where the classroom would be sited are also screened from the properties to the north by the extant school elevations.

Nonetheless, it is considered that even where the new classroom could be seen from outside of the site its small scale and single storey structure would be incapable of causing harm to the amenity or privacy of the neighbouring occupiers.

Therefore, and in the absence of any neighbour representations or objections to the material planning matters, the application is considered to be acceptable in this regard.

### **Highways and accessibility**

As a result of the proposal there would be no alterations either to the existing means of access from the public highway or the existing internal circulation arrangement.

However, the Highways and Transportation Section noted aerial imagery of the existing car park leading from Bryn Dewi Sant, which indicated that at least 5no. vehicles were parked in a manner that restricted satisfactory access/egress of the marked spaces, with 1 no. space and a further 2no. disabled spaces left unoccupied. This suggested that at present there is insufficient off-street parking provision to cater for demand.

The Council's adopted SPG gives an operational requirement of 1 commercial vehicle space and non-operational requirement of 2 spaces per classroom and 3 visitor



spaces. Given that the proposal is for an additional classroom to an existing school, it has an SPG requirement of an additional 2 spaces.

The Section originally objected to the proposal since no additional parking spaces were proposed. Subsequently, as noted above, the Applicant provided a revised car park layout plan to enable the creation of three more spaces. Therefore, subject to a condition to require their implementation, the development is considered acceptable.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

It is considered that the proposal would not have a detrimental impact on the character and appearance of the site and would not be harmful to the amenity of the closest neighbouring properties. The application is therefore considered to comply with Policies AW5, AW6 and AW10 of the Local Development Plan.

### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be completed in accordance with the approved drawings:

- Proposed Site Plan - PTK00GFDRA04P01
- Revised Car Parking Layout - 5038\_3502\_B05.
- Proposed Elevations - PTK00GFDRA06P01
- Proposed Floor Plan - PTK00GFDRA05P01

and details and documents received on 18<sup>th</sup> July 2019, 8<sup>th</sup> June 2020, 29<sup>th</sup> October 2020 and 18<sup>th</sup> November 2020

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Prior to the beneficial use of the new classroom the additional parking spaces shall be provided on site in accordance with drawing number 5038\_3502\_B05. These spaces not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.



## **PLANNING & DEVELOPMENT COMMITTEE**

**17 DECEMBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0719/10 (CA)  
**APPLICANT:** Aber Rhondda Garages Limited  
**DEVELOPMENT:** Proposed change of use from vehicle rental to used car sales.  
**LOCATION:** ENTERPRISE RENT A CAR, CARDIFF ROAD, Y DDRAENEN WEN, PONTYPRIDD, CF37 5BB  
**DATE REGISTERED:** 28/07/2020  
**ELECTORAL DIVISION:** Hawthorn

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#### **RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

**REASON:** The proposal would allow for the re-use of a redundant site in a sustainable location. In addition, the proposed use would be compatible with surrounding land uses and would neither be detrimental to neighbouring occupiers or highway safety.

**As a result the proposal would accord with the relevant policies of the Rhondda Cynon Taf Local Development Plan.**

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to the Planning and Development Committee for final determination as four objections have been received and the application is recommended for approval. In addition, Councillor Fidler Jones has requested that final determination of the application be at Committee level.

#### **APPLICATION DETAILS**

This application seeks full planning permission to change the use of the former Enterprise car hire garage (Sui Generis) at Cardiff Road, Hawthorn to a car sales

garage (Sui Generis). The site is currently vacant, following its unlawful use as a hand wash and car valeting facility.

There are no material external changes proposed as part of this application, with the proposed car sales garage re-using the existing on-site structures. The existing building which is located fairly centrally within the site would be used as a reception and sales office with the used cars located within the site's undercover forecourt and along the site's eastern boundary. Staff and customer car parking would be located adjacent to the site's northern boundary.

Access to the site is gained off Cardiff Road at the south-western corner of the site with vehicles following a one-way system around the site to exit back out onto Cardiff Road in a forward gear at the south-eastern corner of the plot.

The proposed use would employ two full time members of staff and would operate during the following times:

Monday to Friday: 10:00 hours to 18:00 hours

Saturdays: 10:00 hours to 16:00 hours

Sundays: 11:00 hours to 16:00 hours

Bank Holidays: Not at all.

## **SITE APPRAISAL**

The application site is a roughly rectangular plot comprising the former sales cabin and associated forecourts of a car hire business that was most recently (and unlawfully) occupied by a hand car wash and valeting centre. The sales cabin is located centrally within the plot with forecourts to the front and rear and accesses either side.

The site is level throughout and enclosed on all sides with boundary walls and fencing. The site has two direct accesses off Cardiff Road, the main highway through the village. It fronts the footway, is bounded by residential properties at either side and by a block of garages to the rear, beyond which are further residential dwellings. The surrounding area is residential in nature.

## **PLANNING HISTORY**

19/0340/10	Change of use from car hire to car sales and valeting service.	Refused 20/05/2019
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Dismissed at  
Appeal

08/10/2019

18/0568/10	Change of use from car hire unit with car washing facilities to valeting and hand car wash centre (retrospective).	Refused 20/08/2018
05/0568/10	Illuminated Sign	Approved 23/02/2005
04/2293/10	Proposed car rental office - change of use from vacant petrol station.	Approved 18/03/2005
00/2647/10	Change of use from selling petrol to the sale of used cars plus a control centre by telephone for Rentex car and van hire and erection of railings and gates.	Approved 10/11/2000

## **PUBLICITY**

The application has been advertised by direct notification letter to neighbouring properties and a site notice was displayed. Four letters of objection were received, which raise the following points:

- The proposed business is likely to attract many customers/visitors which would add pressure to on street car parking demand.
- The proposal would increase the risk of flooding within the area due to products used to wash/valet cars causing the drains to block.
- The proposal would lead to unacceptable noise pollution, for example from industrial vacuum cleaners, jet washers, car doors slamming and car radios.
- The opening hours of the business are not appropriate within a residential location, with a particular emphasis on Sundays and Bank Holidays.

## **CONSULTATION**

### Highways and Transportation:

No objections, conditions recommended.

### Drainage:

No adverse comments received.

### Public Health and Protection:

No objections, conditions recommended.

### Natural Resources:

No objections.

Pontypridd Town Council:  
No comments received.

## **POLICY CONTEXT**

Rhondda Cynon Taf Local Development Plan (LDP):

The application site is situated within the Southern Strategy Area and within the settlement boundary. The site is unallocated.

**Policy CS2 – Development in the South** – Places an emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole.

**Policy AW2 – Sustainable Locations** – Provides support for development proposals in sustainable locations.

**Policy AW5 – New Development** – Provides support for development proposals which meet the relevant amenity and accessibility criteria.

**Policy AW6 – Design and Placemaking** – Requires development to involve a high quality design and reinforce attractive qualities, make a positive contribution to the street scene and have a high level of connectivity and accessibility to existing centres by a wide range of sustainable transport.

**Policy AW10 – Environmental Protection and Public Health** – Indicates that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

National Guidance:

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through

its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other policy guidance considered:

PPW Technical Advice Note (TAN) 11 – Noise

PPW TAN 12 – Design

PPW TAN 23 – Economic Development

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

#### **Principle of the proposed development:**

The proposal seeks the change of use of an unallocated parcel of land within the settlement boundary from a car hire garage to a car sales garage. Although the site is located within a predominantly residential area, given its long-standing commercial history it is considered that the general principle of the change of use is regarded as acceptable, subject to the material considerations below.

#### **Impact on the character and appearance of the area:**

The prevailing character of the area is residential, however the application site has a long established commercial character, with the most recent lawful use of the site being a car hire business. In terms of character and appearance, it is not considered that the character of the proposed use would significantly differ from that of the existing lawful use of the site. In addition, no external works are proposed at the site as part of the current application.

Consequently it is not considered that the change of use would result in any undue impact upon the character and appearance of the site or the surrounding area. The application is therefore considered acceptable in this regard.

#### **Impact on Amenity:**

The application site is located in a residential location, flanked by two residential dwellings with further residential properties sited in close proximity. It is acknowledged that the site was previously occupied by a car hire garage where some noise and disturbance would have occurred to surrounding residents and some cleaning and

valeting would have taken place. It is also considered that the car hire use would have resulted in relatively low numbers of calling visitors to and from the site each day given the very nature of the use (customers calling to the site to pick up/drop off vehicles) and would have likely resulted in only a small number of vehicles being valeted each day following their return.

Concerns have been raised by local residents that the proposed use would result in frequent unacceptable noise pollution, for example from industrial vacuum cleaners, jet washers, car doors slamming and car radios. In terms of the industrial vacuum cleaners and jet washers, associated with car washing and valeting, it is considered that much like the lawful car hire use of the site, this element of the business would play an ancillary role and would not be occurring all of the time, unlike the previously refused applications whereby car washing and cleaning activities were the primary use of the site.

In terms of car doors slamming and car radios turning on and off, the proposed business is of a relatively small scale, employing two full time workers. As such, it is not considered that this noise would be overly frequent and unacceptable.

The concerns regarding the originally proposed opening hours of the business are acknowledged and shared by the Council. As such, discussion has taken place with the Agent to ensure the business operates shorter hours on a Saturday and Sunday and not at all on Bank Holidays. This can be conditioned should permission be granted.

Based on the above, the impact of the development upon neighbouring occupiers is considered acceptable and in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

#### **Impact on Highway Safety:**

Access to the proposal would be gained via the existing means of access and the internal site layout would allow vehicles to enter and exit the site in a forward gear. This is considered acceptable.

In terms of parking, in accordance with the Council's adopted SPG, car and motorcycle sales have an off-street parking requirement of two spaces per service bay, plus one space per 50m<sup>2</sup> of retail area.

The submitted proposed site plan indicates that no service bays are proposed and the retail area would be approximately 371m<sup>2</sup>. As such the proposal has an SPG requirement of one commercial vehicle space and eight additional spaces.

The objections from local residents regarding car parking are noted. The submitted site plan indicates the provision of eight spaces at the rear of the development. As such, the proposed development lacks a commercial vehicle space. Nevertheless, there is scope for a commercial vehicle to park in the vicinity of the proposed sales and reception building without undue detriment to internal circulation. As such, the



proposed development gives no undue cause for concern regarding off-street parking provision.

No objections have been received from the Council's Highways Department, however a condition has been recommended ensuring the parking spaces are retained for the purpose of vehicular parking only. This is considered acceptable.

In light of the above, the scheme is considered to have an acceptable impact upon highway safety.

**Other Issues:**

**Drainage:**

Concerns have been raised that the proposed use would increase the risk of flooding, due to car cleaning products blocking the drains in the vicinity of the site. The site has a lawful use as a car hire business, and Paragraph 15 of the Inspector's decision regarding the Appeal relating to 19/0340/10 acknowledges that car washing and cleaning activities on the site are lawful as part of this business. It is considered that levels of car cleaning would be similar to those undertaken as part of a car hire business and an ancillary element of the proposed business. As such, it is not considered that additional issues regarding surface water drainage would arise. Concerns have also been raised that the proposed business would result in the use of hazardous substances. The Council's Public Health and Protection Department have been consulted on the proposal and do not share these concerns however.

Natural Resources Wales (NRW) have advised that the application site lies within Zone C1 as defined by the Development Advice Map referred to under Technical Advice Note 15: Development and Flood Risk (July 2004), confirming that the site is located within the 1% (1 in 100 year) and 0.1% (1 in a 1000 year) annual probability fluvial flood outlines of the Nant Lonydd. However, given the nature and scale of the proposal, NRW consider the risk is acceptable subject to the developer being made aware of the potential flood risks.

**Additional Objections:**

In addition to the objections addressed above, concerns have been raised regarding the general appearance of the site, indicating that the previous unlawful use resulted in a dirty and unkempt premises. It is the responsibility of the land owner and business operator to ensure the site is well maintained and kept clean and tidy; speculation of how the site may be maintained would not warrant the refusal of the application. In addition, the visual appearance of the previous unlawful use is not a material consideration in the determination of the current application.

**Community Infrastructure Levy (CIL) Liability:**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The proposal is of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

**Conclusion:**

The proposed change of use is considered to be acceptable in terms of its compatibility with adjoining land uses, impact on neighbouring occupiers and highway safety. The development would therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

**RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan, dated 21/07/2020;  
Proposed Block Plan, dated 11/11/2020;

and documents received by the Local Planning Authority on 21/07/2020, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The parking spaces indicated on the amended Proposed Block Plan shall be laid out on site in permanent materials and retained for the purpose of vehicular parking only.

Reason: To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The public opening hours of the storage area shall be restricted to within the following times:

Monday to Friday: 10:00 hours to 18:00 hours  
Saturday: 10:00 hours to 16:00 hours

Sunday: 11:00 to 16:00 Hours  
Bank Holidays: Not at all

Reason: In the interests of the amenity of neighbouring occupiers and to define the scope of the consent, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

17 DECEMBER 2020

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0786/10 (BJW)  
**APPLICANT:** Edwards Investments  
**DEVELOPMENT:** Change of use class from Law Courts and ancillary accommodation to: A2 financial and professional services, B1 business, B8 storage and distribution, D1 non-residential institutions and D2 assembly and leisure.  
**LOCATION:** FORMER MAGISTRATES COURT, LLWYNPIA ROAD, LLWYN-Y-PIA, TONYPANDY, CF40 2HZ  
**DATE REGISTERED:** 07/08/2020  
**ELECTORAL DIVISION:** Llwynypia

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**RECOMMENDATION:** Approve

#### REASONS:

The application proposes interior works to facilitate the re-purposing of the former Magistrates Court for use as a multi-purpose Tech Hub.

The proposal would bring a currently underused building back into a more productive, alternative use and improve its general utility.

Additionally, the proposal would not have a detrimental impact on the amenity of neighbouring properties, the visual amenity of the area or on highway safety considerations. Consequently, it is considered that the proposed package of internal works and change of use of the property would be acceptable.

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#### REASON THE APPLICATION IS BEING REPORTED TO COMMITTEE

There have been more than three objections received to the proposal.

## APPLICATION DETAILS

Full planning permission is sought for internal works to the former Magistrates Court, Llwynypia Road, Llwynypia, Tonypany. Specifically, the proposed works consist of the remodeling of the internal space on the ground and basement floors to provide mixed-use commercial space and an ancillary canteen/lounge.

The internal arrangements would be altered through lightweight partitions to provide a mixture of office spaces, pods and conference facilities on the ground floor. The mix of uses and Gross Floor Area is as follows:

Use Class	GFA
A2 – B1	1000m <sup>2</sup>
B8	183m <sup>2</sup>
D2	148m <sup>2</sup>
D1	131m <sup>2</sup>

Specifically, the building would feature the following:

- A design office and printing business, storage and plant within the basement;
- 13 no. offices with a floor area of between 9 – 64 sq.m;
- 4 no. work pods between 5.5 – 6.5 sq.m;
- 3 No Conference rooms, Room A – 73.5sq.m with a break out space of 25sq.m, Room B – 28sq.m and Room C – 74.5sq.m with a 21.5m break out area; and
- A workspace lounge with an area of 103sq.m

This application is one of three that has been submitted for the redevelopment of the site. 20/0756/10 and 20/0772/10 consist of external alterations to the property and the use of the car park for a food market respectively.

20/0756/10 will likely be determined under the scheme of officer delegation while 20/0772/10 has been withdrawn by the applicant.

## SITE APPRAISAL

The former Magistrates Court is a large, civic scale building located to the north of the historic Llwynypia Terraces and on the junction of Llwynypia Road and Nant-y-Gwyddon Road (B4223).

The main vehicular access to the property is located to the south of the site off Rosedale Terrace and provides access to the parking area to the rear of the site while pedestrian access is at the front of the property (south-east) from Llwynypia Road.

The site is located adjacent to Glyncornel Lake which is situated on its north-east boundary.

## PLANNING HISTORY

20/0756	Former Magistrates Court, Llwynypia Road, Llwynypia, Tonypany,	Alterations and boundary edge treatment, 5 No. new windows, replacement of brick panels with 1500mm high railings to the northern boundary wall.	Not yet determined
20/0772	As above	Inclusion of food market stalls with no permanent infrastructure.	WDN 23/11/2020

## PUBLICITY

The application has been advertised by letters to neighbouring properties and the display of site notice, the following responses have been received:

An email from 16 respondents, representing 10 households; 2 individual emails and 3 individual emails relating to a licensing application on the premises. The main points raised are detailed below:

1. Noise and disturbance from users of the premises, particularly the noisy cattle-grid at the entrance for vehicles. Currently the premises is being used up to as late at 11pm and the old houses in the street do not have sufficient noise insulation so the cattle grid noise and lock up of the large iron gates are extremely loud and disturbing
2. Poor visibility for vehicles exiting the site often leads to problems with other vehicles using the highway.
3. We welcome clarity and clarification on times of usage as we feel it is not appropriate for the building to be used outside of normal office hours or at weekends.
4. The use will increase the existing parking pressures in the locality which is currently very problematic.
5. The access road in and out with the permit parking restricting exit view is of the highest safety concern and any oncoming traffic from the road and outcoming from the premises are on a collision course at all times and my biggest worry is a head on vehicle collision or one of the school children who get dropped off at the bus stop outside of the premises and walk up the hill from school could be easily run over with an outcoming vehicle from the premises as they have no view around the corner to the exit road.
6. It has come to our attention that these applications are merely a precursor to help transition the use of the building in the future to a wedding venue with a licenced bar and an adoption agreement with RCT to lease the lake as a back drop and put a cafe at the front. The current owner told a few neighbours of his eventual plans and how difficult it would be to obtain them straight away but if he went the route he has currently proposed to you and gets accepted then his

future plans would be an easier transition with yourselves. I understand you cannot take this into consideration and you can only assess and review the current planning application with only that in mind but we as residents are very concerned with this being a prospect especially as we have so many young children and elderly in the vicinity.

7. Any Off-license sale of alcohol would inevitably encourage further anti-social behaviour in our area. The woods and lakeside directly adjacent to my home already suffers from youths using the woodland to take and deal drugs and party until early hours. Myself and many of my neighbours report these instances to the police regularly and the latest incident of parting until early hours in the woods was recently reported to the police by myself only 3 weeks ago.

3 additional objections were submitted in relation to the application for a premises license at the property, in this case to allow the sale of alcohol in the workspace/lounge at the premises. These objections were made for reasons of public safety - specifically parking; public nuisance – from vehicle movements and as a result of the potential sale of alcohol and the prevention of crime and disorder – again around the sale and consumption of alcohol and the potential of antisocial behaviour.

## **CONSULTATION**

Transportation Section – no objection, subject to conditions to secure the revised parking layout and to provide additional secure cycle storage within the site.

Public Health and Protection Division – no objection.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site is within the settlement boundary of Llwynypia and is unallocated.

**Policy CS1** – sets out criteria for achieving strong sustainable communities including: promoting residential and commercial development in locations which support and reinforce the role of principal towns and settlements.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 -

### **National Guidance**



In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for place making set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main issues:**

#### **Principle of the proposed development**

The building is currently a large, former Magistrates Court building, within an extended curtilage close to road, rail and public transport nodes.

The building is proposed to be used as a Tech Hub for start-up businesses with a number of uses, along with their attendant floorspaces included within the application. The existing use, as a magistrates court with attendant offices would be a mixture of D1 – non-residential institutions and ancillary B1 – offices. The application proposes no additional floorspace but only the division of the existing floorspace into uses that are primarily for offices (B1/A2) with ancillary and complimentary uses such as D1 - non-residential institutions, D2 – assembly and leisure and B8 – storage. Also proposed is an ancillary co-worker lounge that would include a canteen/café/bar for the use of users of the main building.

It is considered that the main proposed use would be broadly similar to the office use element that previously operated from the site. Additional uses proposed are considered to be complimentary to the main office use for the operation of the site as a Tech Hub for start-up businesses. Business premises of this nature are in generally short supply and have been promoted and advocated by Welsh Government, particularly by the minister for Transport, Economy and North Wales – Ken Skates. Alternative business premises, such as the proposal are also considered to allow greater flexibility in working arrangements, particularly in terms of agile working and the current restrictions that have been imposed by COVID.

Consequently, it is considered that the proposed use of the site as a Tech Hub would be a broadly acceptable and productive alternative use of the premises and would be acceptable.

Other issues, such as the impact on neighbouring properties, the effect on the character and appearance of the area and Highway safety considerations will be considered later within this report.

### **Character and appearance of the area**

The works, which are proposed in this application, are entirely to the interior of the building and there would be no impact on the character and appearance of the exterior in anyway. A separate application, proposing minor alterations to the façade of the building and alterations to the boundary treatments has been submitted under reference 20/0756/10 and will be determined on its individual planning merits.

Consequently, it is considered that this proposal would not have any impact on the character and appearance of the area and is acceptable in this respect.

### **Impact on amenities of neighbouring properties**

The application site is an existing facility within an urban setting, close to transport nodes and the existing historic Llwynypia Terraces.

While the application does not propose any additional floorspace at the site, what floorspace there is would be sub-divided to provide a number of offices, pods and ancillary conference and canteen/café bar facilities to accommodate users of the premises. There is potential for increased traffic movements within the surrounding highway network and this issue is considered later within the report.

In terms of the increased number of users at the site, it is not considered that this would cause additional issues within the area as the primary use would be offices with supporting and complimentary ancillary uses serving the main office use.

While concern has been raised in relation to the ancillary workspace lounge, the applicant has confirmed that this facility will be for the use of the businesses that use

the main facility and not as a standalone café bar use that would require a separate A3 consent. This use could be conditioned and restricted to be ancillary to the main office use in this regard.

Concern has also been raised in relation to the hours of operation of the business which has not been confirmed in the details submitted with the application. Residents have stated that offices at the premises have operated as late as 11.00pm and that this often causes noise and disturbance to neighbouring properties. In this regard it is considered that a condition to restrict the hours of operation to standard office hours Monday to Friday, with reduced hours on Saturdays and not at all on Sundays and Bank Holidays would improve and protect residential amenity.

Consequently, it is considered that subject to appropriately worded planning conditions to restrict the hours of operation and the use of the workspace lounge to be ancillary to the use of the main building, then the application would be acceptable in this regard.

### **Highway safety**

The application has been subject to consultation with the Council's Transportation Section. Through the negotiation with the applicant's agent amended parking plans have been produced indicating 61 parking spaces for the proposed scheme as well as secure cycle racks for 36 bicycles.

The Transportation Section have accepted the amended plans as providing acceptable levels of parking for the proposed use as well as offering alternative improved provision for alternative means of transport, in this case bicycles.

The Transportation Section have considered the access to the site and have offered the following comments:

The proposed has direct frontal access to Llwynypia Road for pedestrians with off-street car parking served off Rosedale Terrace which has a carriageway width of 6.0m, there is a small section that provides for resident car parking narrowing the available width to single file traffic. Vision from Rosedale Terrace to Llwynypia Road is in excess of 2.4m x 40m which is acceptable.

Consequently, subject to the suggested conditions to secure the parking provision and secure cycle storage on site, it is considered that the proposal is acceptable in this regard.

### **Other issues**

The comments of neighbouring residents are acknowledged and, where they have not already been addressed above, the following comments are offered:

1. The restriction of the hours of operation to fixed times would provide clarity to residents as well as reduce the duration when activities would have potential to disturb neighbouring residents.
2. The highway access to the site is unchanged and has been evaluated and considered acceptable to serve the development by the Council's Transportation Section.
3. Similarly, the increase in parking provision to 61 spaces, combined with the proximity of alternative public transport modes and secure cycle storage would be adequate to serve the development.
4. The issue around the workspace lounge can be adequately addressed through a condition restricting its use as ancillary to the use of the main premises.
5. The various issues around the licensing of the workspace lounge will form the considerations for the licensing application, which residents have commented on. However, in land use planning terms, it is considered that the operation of this ancillary use can be restricted by way of an appropriately worded condition.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

The proposed change of use are considered to be an acceptable and productive use of an existing business premises. Subject to appropriately worded conditions, it is considered that the proposal would provide improved levels of on-site parking and alternative provision for cycles and would not have an adverse impact on the amenity of neighbouring properties.

Consequently, it is considered that the proposal is acceptable and a recommendation to approve is offered.

### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Site location plan and block plan, Drwg. No. jw952 - 104, Revision A
- Proposed basement plan, Drwg. No. jw952 – 107
- Proposed ground floor plan, Drwg. No. jw952 – 108, Revision B
- Proposed ground floor axo, Drwg. No. jw952 – 109
- Proposed parking layout, Drwg. No. jw952 - 120, Revision E
- Proposed cycle storage provision, Drwg. No. 952 - 127

and documents received by the Local Planning Authority unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The use of the building shall be restricted to the following times:

Monday to Friday	08.00 am to 18.00 pm
Saturday	08.00 am to 14.00 pm
Sundays and Bank Holidays	Not at all

Reason: in order to protect the amenity of neighbouring residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The use of the workspace lounge shall be restricted to the use of the main premises and shall not be operated as a standalone facility.

Reason: in order to define the scope of the permission and to protect the amenity of neighbouring residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Within 3 months of planning permission being granted space shall be laid out within the site for 61 vehicles to be parked in accordance with the submitted plan jw952-120 and approved by the Local Planning Authority. The spaces shall be retained for the parking of vehicles in connection with the main building thereafter unless agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Within 3 months of planning permission being granted space shall be laid out within the site for 36 secure cycle stands in accordance with the submitted plan jw952-127 and approved by the Local Planning Authority. The spaces

shall be retained for use in connection with the main building thereafter unless agreed in writing with the Local Planning Authority.

Reason: To promote sustainable modes of transport with less reliance on private motor vehicle in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.



## **PLANNING & DEVELOPMENT COMMITTEE**

**17 DECEMBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0845/10 (LJH)  
**APPLICANT:** Ms C Kennedy  
**DEVELOPMENT:** Garage (Amended plans received 06/11/2020 - roller shutter door widened to 5 metres).  
**LOCATION:** MEMORIAL GARDEN, GROVE TERRACE, LLANHARAN CF72 9PR  
**DATE REGISTERED:** 06/11/2020  
**ELECTORAL DIVISION:** Llanharan

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#### **RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

**REASONS:** The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the potential impact the structure would have upon the amenity and privacy of the neighbouring residential properties and highway safety in the vicinity.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The application is reported to Committee for determination as three or more objections have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a detached garage on land at the Memorial Garden, Grove Terrace, Llanharan.

The proposed garage would be sited at the northern-most part of the garden with access provided via the highway which runs adjacent to the eastern boundary of the site, Grove Terrace. It would measure 6 metres in width by 8 metres in depth and would incorporate a mono pitch roof design which would measure a maximum of 3.1 metres in height from ground level sloping to 2.5 metres at its lowest point.

A roller shutter door would be positioned within the southern facing front elevation which originally proposed to measure 1.6m in width but has since been amended to measure 5m in width (amended plans received 06/11/2020). A uPVC pedestrian access door and window would also be provided within the eastern facing side elevation. The garage would be constructed from concrete blocks and would have a corrugated profile sheet roof.

It is proposed that the garage be used by Llanharan Community Council for storage of tools and gardening equipment in association with the maintenance of the garden. The remainder of the Memorial Garden is to undergo refurbishment as per the proposed layout plan provided. Members are advised however that this aspect of the scheme does not require planning permission.

## **SITE APPRAISAL**

The application site is located within a residential area of Llanharan and consists of an irregularly shaped parcel of land located on the junction between Grove Terrace and Brynna Road. The site used to accommodate an ambulance station but has been used as a memorial garden for the station since its removal. The garden is in a poor condition and in need of refurbishment. It is currently being used informally by local residents as an off-road parking area.

The site is bound by residential properties to the west (nos. 10-12 St. James Mews) and east (nos. 12-15 Grove Terrace) with a Public Right of Way (PSM/50/1) being located adjacent to the western boundary. Four lock-up garages are sited immediately to the north with the southern boundary running parallel with the footway at Brynna Road.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the application site in the last 10 years.

## **PUBLICITY**

The application has been advertised by means of site notice and direct neighbour notification. Five letters of objection have been received in total, including three from the occupants of nos. 14, 15 & 17 Grove Terrace which are located directly to the east of the application site. The concerns raised are summarised below:

- The proposal would be detrimental to the safety of children and residents who use the area.
- The memorial garden is used by residents for off-street car parking as Grove Terrace is often overly congested. This would be lost.



- Damage may be caused to parked vehicles by vehicles/equipment accessing/egressing the garage.
- The use of the garage will impact on the quality of life of surrounding residents with increased traffic and noise disturbance.
- The current memorial garden has never been used for its intended purpose as a meeting/relaxing area.
- The garage may attract unwelcome attention of opportunist thieves to the area.
- The area would become a gathering place for youngsters late at night which may cause distress to local residents.
- It is suggested that the garage be located at the playing fields on the opposite side of Brynna Road.
- The garage will impede views from the fronts of the properties along Grove Terrace and will block light to the front gardens and windows.
- The garage will negatively affect the house prices of properties at Grove Terrace.
- Who will be responsible for the up-keep of the garden as it has not been kept tidy and maintained in the past?
- There is currently no plaque and the local residents do not know who the garden is meant to represent.
- The garage is proposed to be built very close to or even on top of a culvert. The additional weight could damage the culvert.

Since receipt of the amended plans, the application has been re-advertised by means of site notice and direct neighbour notification. One further letter has been received from an existing objector and is summarised as follows:

- It is still felt that consideration needs to be given to the on and off-street parking in Grove Terrace. If the off-road parking area on the Memorial Garden is removed it will severely disrupt the ability to park in our own street which could have a knock on effect upon surrounding streets.

## **CONSULTATION**

Highways and Transportation – No highway objections are raised subject to standard conditions.

Flood Risk Management – No objections are raised, or conditions suggested.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies inside the settlement boundary for Llanharan and is not allocated for any specific purpose.

**Policy AW2** - supports development in sustainable locations and includes sites that are accessible by a range of transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

#### Supplementary Planning Guidance:

Design and Placemaking  
Access, Circulation and Parking

#### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

#### Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design  
PPW Technical Advice Note 18: Transport

#### **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

#### **Main Issues:**

## **Principle of the proposed development**

The application relates to the construction of a storage building within an existing community, memorial garden. The building would allow for better maintenance of the garden and subsequently provide a beneficial space for local residents. The principle of development is therefore considered acceptable, subject to compliance with the criteria set out below.

## **Impact on the character and appearance of the area**

The proposed garage would be sited at the northern-most element of the memorial garden and would be set at a lower ground level than the adjacent properties along Grove Terrace. Whilst it is acknowledged that the garage would be visible from the adjacent properties, the immediate area is already characterised by a number of lock-up style garages which are sited immediately to the north. As such it is considered a storage unit of this type would not be out of keeping in this location.

Furthermore, whilst it is acknowledged that the proposal will result in a larger unit than what might usually be seen at such sites, it would be of an appropriate design and scale, incorporating a single-pitched roof design of an acceptable height which would limit its prominence within the surrounding area. The structure would have a typical garage appearance with a roller shutter door within the front elevation and a pedestrian access door and window within the side elevation facing the highway. Additionally, it would be finished with appropriate external materials which are common for a garage of this type.

As such, whilst the concerns raised by the objectors in this respect are acknowledged, it is not considered that the garage would form an overly prominent addition within the surrounding area or result in a detrimental impact upon the character and appearance of the wider area.

## **Impact on residential amenity and privacy**

It is not considered the proposed garage would result in a detrimental impact to the amenity and privacy standards currently enjoyed by surrounding residents.

In terms of the impact upon properties to the east (Grove Terrace), it is considered there would be an adequate separation distance (in the form of the highway, footway, and grass verge) of approximately 12 metres between the proposed garage and the front boundaries of these properties to ensure no undue overbearing or over overshadowing impact would occur, or a loss of outlook. In addition, the adjacent properties are set at a higher ground level than the application site which will further reduce any impact.

Although there is a window proposed within the eastern facing side elevation, due to the difference in ground levels and the proposed use of the building (storage), it would

not result in any undue overlooking towards the front elevations of properties along Grove Terrace.

An objector has raised concern with regards to the use of the garage; they are concerned that when moving equipment stored within the garage that the associated noise of both equipment and people will result in a detrimental impact to the amenity standards of surrounding residents. The objectors also raise concern that the garage will attract youngsters and opportunist thieves to the area which may lead to anti-social behaviour. Whilst the objectors' concerns are appreciated, it is not considered the construction of a small storage unit at the existing memorial garden would lead to significantly more noise and disturbance that currently occurs, or any increased anti-social behaviour in the area.

The proposal is therefore considered to be acceptable in terms of the potential impact it would have on the residential amenity and privacy of surrounding properties.

### **Highways and Parking**

The proposed garage would be accessed via a driveway off Grove Terrace which is primarily used by the occupants of properties along this street and the users of the lock-up type garages to the north. The Council's Transportation Section notes that the highway is mostly narrowed in width to single file traffic due to the on-street parking demand in this location and that the Memorial Garden is currently being used as an unofficial off-street car park by the residents, which reduces on-street parking in the area. However, the landowner could enclose this area at any time and prevent the informal parking of vehicles on this land, which will be the case to facilitate the refurbishment of the memorial garden. As such, whilst the loss of off-street parking in this location is regrettable, no objections are raised in this respect.

Additionally, vehicles currently mount and cross the footway to access the land for parking to the detriment of pedestrian safety and increasing maintenance liability to the Council with the potential for third party claims. These issues would be removed if the scheme were to be approved.

The Transportation Section also noted that the garage and its driveway could result in reversing movements to and from the highway which raises cause for concern, however taking into account the limited additional vehicular movements that the development would generate, it is considered that the proposal would have a minimal increase in vehicular movements and is therefore also considered acceptable in this regard. In addition, it is noted that there are a number of garages within the vicinity of the site which cause reversing movements to and from the highway with no reported problems.

The Transportation Section has however suggested two conditions be added to any consent, the first to ensure that details of the means of access to the proposed garage/driveway are submitted to and approved by the LPA; and the second to ensure

that surface water run-off does not discharge onto the public highway or connect to any highway drainage system.

Therefore, whilst the concerns raised by the objectors in this respect are noted, it is considered the scheme is acceptable in this regard.

### **Drainage and Flooding**

An objector has commented that the proposed garage may affect a culvert along the western boundary of the site. Following consideration of the scheme the Council's Flood Risk Management Section have confirmed that a culvert runs close to the western boundary of the site however it is not expected the construction of the small garage of this scale would have any impact, but the applicant should be made aware of the risks of building in such close proximity of the culvert and potential future surface water flooding risks. In light of these comments the scheme is considered acceptable in this regard.

### **Other Issues Arising from Consultation Process:**

With regards to the potential of any damage caused to the objector's vehicles/property, this is a private matter between the two parties that the Council could not enter in to.

Two of the objectors query why the garage is proposed to be sited on this parcel of land rather than within the boundary of the playing fields on the opposite side of Brynna Road. Whilst their query is acknowledged, the application has to be considered based on the site in question and proposal for which it has been submitted.

One of the objectors also queries what or who the Memorial Garden is in remembrance of and who will be responsible for maintaining the garden in future. In answer to this, Llanharan Community Council has confirmed that the Memorial Garden is in memorial of the former Ambulance Station that used to be located on site and that there is a plaque currently at the site in respect of this which will be included and re-used as part of the refurbishment of the site. Furthermore, it will be the responsibility of the Community Council to maintain the Memorial Garden, however this application relates solely to the construction of the proposed garage and not the refurbishment of the garden.

The objectors also raise concern that the garage will affect future house prices of the properties along Grove Terrace and their ability to sell should they wish to in future. Whilst this concern is appreciated, property values are not a material planning consideration and therefore cannot be taken into consideration during the assessment of the proposal.

### **Community Infrastructure Levy Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL regulations 2010 (as amended).

## **Conclusion**

It is not considered the proposal would have a significant impact on the character and appearance of the locality, upon the residential amenity of the surrounding neighbouring properties, or upon highway safety in the vicinity of the application site. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

## **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans: Proposed Garage and Store for Community Assets, Council Storage Shed Rev. B, Llanharan Memorial Garden (Version 2), and documents received by the Local Planning Authority on 14/08/2020, 25/09/2020, 01/10/2020, and 06/11/2020 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No development shall commence on site until full details of the proposed vehicle footway crossing have been submitted to and approved in writing by the Local Planning Authority. The garage shall not be brought into beneficial use until the vehicular footway crossing has been provided in accordance with approved details.

Reason: In the interests of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.



## PLANNING & DEVELOPMENT COMMITTEE

17 DECEMBER 2020

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0984/10 (KL)  
**APPLICANT:** Rapidgrid Limited  
**DEVELOPMENT:** Proposed new building to house a 500kw biomass boiler, woodchip storage area together with an office extension and associated works.  
**LOCATION:** SIXTEENTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN  
**DATE REGISTERED:** 17/09/2020  
**ELECTORAL DIVISION:** Rhigos

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**RECOMMENDATION:** Approve, subject to conditions

#### REASONS:

The proposal relates to the construction of an additional industrial-style building to house a biomass boiler and the extension of an existing office building at an established industrial site in Hirwaun Industrial Estate. The principle of the proposal is therefore considered to be acceptable.

The proposed buildings are considered to be of an acceptable scale and design and are in-keeping with the existing buildings at the site and within the wider industrial estate. It is therefore not considered that the proposal would have an adverse impact upon the character and appearance of the site or the surrounding area. Furthermore, the proposed buildings are a sufficient distance away from nearby residential properties to ensure that they would not have a detrimental impact upon their amenity (in terms of being overbearing or resulting in any overshadowing) and privacy.

It is noted that the nature of a biomass boiler may release emissions into the surrounding area however, the applicant has submitted the specifications of the boiler to be installed which confirms that emission levels would be low. Furthermore, the Council's Public Health and Protection Division have not raised any objection in this regard.

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## REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development;
- The applicant is related to a serving Elected Member

## APPLICATION DETAILS

Full planning permission is sought for the construction of a new building to house a 500kw biomass boiler and woodchip storage area within the curtilage of an existing industrial unit on Sixteenth Avenue in Hirwaun Industrial Estate, Hirwaun. The proposal also includes the construction of an extension to the existing office building.

The proposed new building which would contain the proposed biomass boiler and woodchip store, would be constructed at the southern-most part of the site, adjacent to an existing maintenance building. It would measure 10 metres in width by 15.6 metres in depth with a pitched roof design that would measure 7.8 metres in height to the ridge and 6.8 metres in height to the eaves. A flue would protrude 1 metre above the ridge of the roof towards the rear of the building. Two roller shutter doors would be situated within the front elevation with a personnel door being located in each of the side elevations. External materials would consist of matt black cladding.

The proposed extension to the existing office building would project beyond its east facing side elevation by 10.6 metres. It would measure the full depth of the existing building at 10.3 metres and would incorporate a hipped roof design to match that of the existing roof (8.5 metres in height to the ridge and 5.5 metres in height to the eaves). A new external steel fire escape would be attached to its side elevation. All materials of the proposed extension would match the existing building.

In addition to the standard application forms and plans, the application is supported by:

- Specifications of the biomass boiler

**Members of the Committee should note that the application is subject to an Article 18 Direction which is effectively a holding directive issued by Welsh Government in order for them to consider whether or not to call the application in. The Direction prevents the Council from granting planning permission (issuing the consent) however the application can be processed or consulted upon. It does not prevent the Council from refusing the application.**

## SITE APPRAISAL

The application site relates to an existing industrial and office premises which is located to the north and north-eastern side of Sixteenth Avenue in Hirwaun Industrial Estate. The site is accessed via an entrance to the western boundary with a large



detached office building located towards the most northern part of the site and a detached industrial-type building towards the most southern end. A number of on-site car parking spaces and a large turning area are located centrally between the office and industrial buildings.

The surrounding area is predominantly characterised by a number of industrial and/or commercial properties, although it is noted that there are a number of residential properties located in Halt Road approximately 250 metres to the west.

## PLANNING HISTORY

08/1815	Land off Sixteenth Avenue, Industrial Estate	New offices and service depot	Granted 06/03/09
08/1570	Y Graig Rapidgrid Ltd, Sixteenth Avenue, Hirwaun Industrial Estate	Proposed fencing off of site	Granted 06/11/08

## PUBLICITY

The application has been advertised by means of direct neighbour notification letters and through the erection of site notices in the vicinity of the site. One letter of objection has been received in relation to the proposal and is summarised as follows:

- Concern is raised with regards to the scale of the proposed building and the biomass boiler;
- The boiler will necessitate a big flue to release emissions which will produce and disperse air borne pollutants over the surrounding area and over residents who have the misfortune to live nearby;
- The boiler will impact the health of many residents;
- The proliferation of proposed developments on a small site like Hirwaun Industrial Estate, who are themselves pollutants, who require emission stacks ranging from 35-90 metres and numbering up to 6 in total, the cumulative effect of these emissions cannot be overstated;
- Sooty deposits will fall on everything in its path dirtying clean washing and windowsills;
- Odours, smell and smoke will also pervade our homes and linger on clothes and washing;
- Potential fire hazard with emissions, and proximity of boiler to highly flammable businesses nearby;
- Residents have experienced many weary years of enduring various factories and sites that have been through planning applications and permissions and then have abandoned/ignored regulations – problems include a previous

biomass boiler causing odour and sooty fallout, lack of filtration and ventilation, problems with HGVs, wagons and trailers from the industrial estate using our residential road as a shortcut;

- In these unprecedented times when fresh air and outside activity is being promoted as a means to keep healthy, we find ourselves trying to fight for any breath of fresh air we can as numerous polluters, all concentrated in a small area, attempt to compromise the air we breathe;
- Queries how the proposal fits in with the Wales Well Being of Future Generations Act (2015).

## **CONSULTATION**

The following consultations have been received:

**Countryside, Landscape & Ecology:** No objection.

**Highways and Transportation:** No objection subject to conditions relating to additional parking, surface water run-off and the provision of a Construction Method Statement.

**Natural Resources Wales:** No objection. It is noted that Blaen Cynon Special Area of Conservation (SAC) & Cors-y-Bryn-Gaer Site of Special Scientific Interest (SSSI) is located approximately 1000m away from the site however, it is not considered that the emissions from the proposal will be of a scale that could lead to adverse effects to the SAC either alone or in-combination with other current projects. It was requested that details are made available of the boiler technical specifications and that these are placed on the planning record. This will aid air quality in-combination assessments of future cases in this area and in relation to Blaen Cynon SAC. As detailed above, the applicant has provided the specifications, as requested.

**Public Health and Protection:** Provides comments in relation to hours of operation, noise, dust and waste and recommends conditions in relation to site investigations (contaminated land). The comments also provide advice on permitting and the Clean Air Act 1993.

**Welsh Water:** Advises that the site is crossed by public sewers and that no works will be permitted within 3 metres either side of the centreline of those public sewers. The comments are accompanied by a plan showing the approximate locations of the public sewers however, these do not appear to be in the vicinity of the proposed works. Further advisory notes recommended in relation to discharge of trade effluent to public sewerage system and Sustainable Drainage Systems. Having assessed the plan provided by Welsh Water, the sewers are not likely to be affected by the construction of the proposed building/extension however, the issue will be added as an advisory note.

No other responses had been received at the time of writing this report.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

**Policy CS1:** emphasis on building strong, sustainable communities.

**Policy AW2:** advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5:** sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6:** requires development to involve a high-quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10:** development proposals must overcome any harm to public health, the environment or local amenity.

**Policy AW14:** states that mineral resources shall be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction.

**Policy AW12:** promotes the provision of renewable and non-renewable energy such as schemes for energy from biomass where it can be demonstrated that there is no unacceptable effects upon ecology, public health and residential amenity.

**Policy CS9:** identifies Hirwaun Industrial Estate as a regional site to accommodate a range of waste management options, including recycling and composting.

### **Supplementary Planning Guidance**

Design and Placemaking

Access Circulation and Parking

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 8: Renewable Energy;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

The main issues for consideration in this application are the principle of the proposal and the impact of the proposal upon the character and appearance of the site and surrounding area, upon the amenity and privacy of surrounding properties, upon highway safety in the vicinity of the site and upon the nearby Special Area of Conservation.

### **Principle of the proposed development**

The proposal relates to the construction of an additional industrial-style building to house a biomass boiler and the construction of an extension to an existing office building at an existing industrial site which is located within Hirwaun Industrial Estate. The site is located outside of the defined settlement boundary however, as it is an existing use within an established industrial estate in which there are various different commercial uses and buildings in operation, the principle of the proposal is considered to be acceptable, subject to an assessment of the criteria set out below.

### **Impact on residential amenity and privacy**

One letter of objection has been received from a resident of Halt Road, which is located approximately 250m to the west of the application site. Concern is predominantly raised with regard to the scale of the proposed buildings and the resulting impact of the biomass boiler upon the amenity of surrounding residents.

In terms of the scale of the proposed buildings, the site is located within an established industrial estate and is therefore largely surrounded by other industrial and commercial units of varying scales and designs. Given the separation distances between the site and the nearest residential property in Halt Road, it is not considered that the construction of the office extension and the biomass boiler building would result in any

adverse impacts relating to loss of outlook, overshadowing or loss of privacy. Furthermore, there is an existing industrial unit of a much larger scale to that proposed located between the site and properties in Halt Road. The proposed development would therefore not be particularly visible from those properties and it is not considered that it would adversely impact upon their amenity or privacy.

Whilst the objector's concerns in relation to the biomass boiler are noted, no objection has been received from the Council's Public Health and Protection Division in this regard. The applicant has provided the specification of the boiler to be installed (Firematic 80-499kW) which confirms low emission levels as well as automatic de-ashing into ash bins. The proposed flue would project 1m above the ridge of the roof of the proposed building and taking this into account, it is not considered that the boiler would result in significant emission levels, odours or smoke that would adversely affect nearby residents. Furthermore, the boiler may be subject to a separate permit under the Clean Air Act.

It is noted that other factories/sites may have abandoned/ignored regulations however, this would not be reason to refuse the current application. In any case, there is separate environment health legislation available should such issues come to light in the future.

In light of the above and whilst the concerns of the objector are noted, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of nearby residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on the character and appearance of the area**

The proposed building that would contain the proposed biomass boiler is considered to be acceptable in terms of its siting, scale and design. The site is situated within an established industrial estate which is typically characterised by a number of large industrial-style units. The building would be finished with materials that are considered appropriate to an industrial setting and it is therefore not considered that the proposed building would appear out of context with the surrounding area.

The proposed extension to the existing office building is also considered to be acceptable in terms of its siting, scale and design. The extension would be situated on the eastern side of the building where it would be less visible from the road (to the western side of the building). It would respect the scale of the existing building by not projecting beyond either the front or the rear elevation or above the existing roof line. Furthermore, all external materials would match those of the existing building.

As such, the proposal is considered to be acceptable in terms of the impact it would have on the character and appearance of the site and surrounding area and the application would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

## **Access and highway safety**

The application has been assessed by the Council's Highways and Transportation Section with a view to determining the potential impact of the proposal upon highway safety in the vicinity of the site. The response received does not raise any objection to the proposal. The comments are summarised as follows:

### *Access*

The application site is accessed off Sixteenth Avenue and is acceptable for safe vehicular and pedestrian movement. The proposed development would be served via an existing private access road which measures 8m in width which narrows to 5.8 metres. A 1.8m wide pedestrian footway link to the existing office building is also provided. There is an area for the turning of HGV vehicles which is acceptable, along with a car park containing 20 car parking spaces. All vehicles can access/egress the site in a forward gear.

### *Parking*

The Council's SPG: Access, Circulation and Parking indicates that the existing and proposed use requires up-to a maximum of 33 off-street car parking spaces however, only 20 are provided within the site. There is potential to provide additional off-street car parking within the curtilage of the site and a condition to secure additional car parking within the site is therefore recommended accordingly.

In light of the comments received from the Highways and Transportation section, the proposal is considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site (subject to conditions) and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other Issues:**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

### **Drainage**

The details of the application have been assessed by the Council's Flood Risk Management team who have confirmed that as the development is in excess of 100m<sup>2</sup> details of surface water drainage will be covered via a separate application for Sustainable Drainage Approval.

### **Ecology**

The application site is located in proximity to a Site of Important Nature Conservation (SINC) and to Blaen Cynon Special Area of Conservation (SAC). As such the Council's Ecologist and NRW have been consulted in order to determine the potential impact of the proposal upon these designations.

Natural Resources Wales have not raised any objection to the proposal and state that they are satisfied that the emissions from the proposal will not be of a scale that could lead to adverse effects to the Blaen Cynon SAC either alone or in combination with other current projects. It is recommended that details of the boiler technical specifications be made available and placed on the planning record in order to aid air-quality in-combination assessments of future cases in this area and in relation to Blaen Cynon SAC. This approach is echoed by the Council's Ecologist.

The applicant has provided a specification document of the boiler to be installed at the site and this has been made available in the details of the application on the Council's website. A copy has also been forwarded to NRW for further comment however, no response had been received at the time of writing this report.

In addition to the impacts of the development on the SAC, the Council's Ecologist notes that the footprint of the proposed development is small and considers that only car parking/mown grass areas would be affected. As such, it is considered that the direct ecological impacts would be minimal and no survey work is required in this instance.

### **Other issues raised by objector**

The objector makes reference to The Well-being of Future Generation (Wales) Act 2015. The planning system, by its very nature, respects all legislation that influences it and the rights of individuals whilst acting in the interest of the wider community. It is an intrinsic part of the decision-making process for the Council to assess the effects that a proposal would have on individuals and weigh these against the wider public interest in determining whether a development should be allowed to proceed. In carrying out this balancing exercise, the Council will of course wish to be satisfied that it has acted proportionately. In the present case, as detailed in this report, officers have considered and balanced those material considerations relevant to the application in making the recommendation to Committee.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

## Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development and in respect of its impact upon the character and appearance of the site and surrounding area, its impact upon the amenity and privacy of surrounding industrial units and nearby residential properties, its impact upon highway safety in the vicinity of the site and its impact upon the nearby Blaen Cynon SAC.

### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Plan
- Drawing no. 03: Proposed Site Layout (rec. 16<sup>th</sup> September 2020);
- Drawing no. 04: Proposed Biomass Boiler Building (Rec. 16<sup>th</sup> September 2020);
- Drawing no. 05: Proposed Extension to the Offices (rec. 4<sup>th</sup> November 2020);
- Biomass Boiler Specifications (Rec. 25<sup>th</sup> November 2020)

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the submitted plans the development shall not be brought into use until space has been laid out within the site for 33 vehicles to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.



4.

No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5.

The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the LPA. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

- 1) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- 2) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
- 3) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the LPA. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

7. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the LPA prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan



## PLANNING & DEVELOPMENT COMMITTEE

17 DECEMBER 2020

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1076/10 (CHJ)  
**APPLICANT:** Zip World Ltd  
**DEVELOPMENT:** Change of use of land for erection of a structure for use by coaster karts, alterations to existing Lamp Room building together with associated works  
**LOCATION:** LAND AT RHIGOS MOUNTAIN AND FORMER TOWER COLLIERY SITE, RHIGOS ROAD, HIRWAUN, ABERDARE  
**DATE REGISTERED:** 26/10/2020  
**ELECTORAL DIVISION:** Rhigos

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**RECOMMENDATION:** Approval subject to Conditions.

**REASONS:** The arrival of Zip World will bring exciting adrenaline-fuelled tourist attraction to the County Borough that will attract a significant number of visitors each year. It also has the potential to generate a significant number of employment opportunities, not only as part of the facility itself, but in the myriad of possibilities that it will create in the supply chain and in the complementary businesses that it can help to support.

The proposal will be used in conjunction with the previously approved zip line(s) as an additional facility making this a “destination” for visitors and a platform for further expansion in the future.

The construction of the Kart structure is considered to only have a negligible impact on the character and appearance of the landscape and the setting of the important heritage buildings but will have a more than compensatory benefit in the numbers of people that it will attract to share in the varied and dramatic landscapes of the Rhondda and Cynon Valleys as well as the Brecon Beacons National Park as well as benefit from an enhanced appreciation of the industrial heritage of the area.

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**The re-use of the lamp room will bring a vacant building of some architectural and heritage importance back into beneficial use.**

**The facility is compliant with both national and local Planning policies (PPW and the LDP) as well as the broader aspirations of the Well Being of Future Generations Act.**

**It is considered that the proposed use is acceptable in its chosen location, will complement the range and choice of outdoor activities both within the County Borough and within the Region and it will also have the potential to bring a meaningful new use to the County Borough's industrial heritage through its proximity to the former (Listed) buildings of Tower Colliery, safeguarding them for future generations.**

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## **REASON THE APPLICATION IS REPORTED TO COMMITTEE**

While the scale and nature of the application is such that it is capable of being determined under the Council's Scheme of Delegation, its profile and potential positive impacts on the County Borough and wider region is such that it is considered prudent to report it to Committee for determination.

A separate application for Listed Building Consent will be determined under the Scheme of Delegation and referred to Cadw for consideration.

## **PREFACE**

### Background

The application is submitted by Zip World, an adventure tourism provider, who opened their first zip line adventure, known as Zip World Velocity at Penrhyn Quarry in Bethesda, North Wales in 2013.

The company has 13 adventure facilities, spread over three sites in Snowdonia, including Penrhyn Quarry, the Llechwedd Slate Caverns, Blaenau Ffestiniog and Zip World Forest in Betws y Coed.

The North Wales adventure business wants to bring its "unique brand of experience and adventure" to the Cynon Valley in South Wales.

The relationship between Zip World and the County Borough was cemented by the approval in February, by Committee, of Phase 1 of the development – the provision of the zip line facility. It is understood that, at the time of writing the report, work has already started on site and it is anticipated that it will be fully operational in the Spring of 2021 (Covid-19 permitting).

## APPLICATION DETAILS

The proposed development comprises a change of use of the existing Tower Colliery Lamp Room and the construction of a twisting “spaghetti-like” metal structure to be used by coaster karts.

The highest part of the track would be 3.9m (approximately 12ft. 9in.) above existing ground level. The overall length of the coaster track would be 1065m (approximately 2/3 miles).

The ride would both begin and end within the Lamp Room building where visitors would both mount and dismount the facility. The Lamp Room will also house the control room where the ride would be monitored and controlled.

The ride would take place within a coaster kart (a toboggan / sled-like vehicle) which would run on a tubular track which would be electrified at a low voltage. The karts use a manual braking system however they are equipped with a “speed governor” which prevents it from exceeding a maximum speed of 25 mph. A maximum of two riders would be permitted to use each kart. One rider would control the breaking mechanism. Both riders are required to wear a safety belt for the duration of the ride. Once the ride has started, there is no opportunity to leave the ride until it is finished. Access along the route of the ride will be strictly prohibited but can be viewed safely from near the lamp room and some surrounding areas.

Only within the lamp room will riders be able to mount and dismount the ride. Zip World staff will ensure that riders are secured correctly in the kart before instructing customers of the correct operation of the karts **BEFORE BEGINNING THE RIDE**. Once the ride is over, the karts would be derailed, hung up and then returned to the start position for the next riders. This will prevent a queue of toboggan sleds at the lamp room and ensures efficiency for riders. Zip World have advised that *“the kart would create a thrilling and memorable experience and is suitable for all the family (three years and over)”*.

The applicant has advised that the coaster kart will NOT be operated in times of bad weather.

Access to the site will be made from the existing junction off the A4061 Rhigos Road. This provides access to the (previously approved) car parking area and reception which would serve as a base for both this ride and the zip wire development. Additional works will need to be provided in the vicinity of the junction in order for this facility to be brought into beneficial use.

No additional facilities or amendments to the facilities previously granted are proposed as part of this application.

The proposal is NOT considered to have any significant environmental impacts and therefore was decided that the applicant was not required to undertake an Environmental Impact Assessment (EIA) or submit an Environmental Statement (ES).

The developer has submitted a comprehensive application which, in addition to the appropriate forms and plans was also accompanied by a:-

- Planning Statement
- Bat Habitat / Ecology Survey (including mitigation and enhancement)
- Heritage Impact Assessment (HIA)
- Landscape Assessment / Statement
- Transport Statement (TS)
- Coal Mining Risk Assessment (CMRA)
- Heritage Impact Assessment (HIA)
- Construction Method Statement (CMS)
- Employment & Skills Statement
- Drainage Strategy

While not, strictly speaking, part of this application, Committee is reminded of what was written in the previous report (for the zip wire) in terms of access and parking arrangements.

*“Visitors will use the existing access road within the site to access to an area of hard-standing at the Tower Colliery site, which was previously used for car parking when the colliery was operational. Car parking for approximately 80 cars will be provided informally initially on an area of hard-standing, which will be levelled out by use of compacted hardcore*

*The car parking area will be in very close proximity to a group of cabins, which will be used as office, reception, “kitting up” and “de-kitting” and toilets. This will be the central area where visitors will report to upon arrival and book in, before being “kitted up” ready for their zip wire adventure.*

*Once booked in and “kitted up”, riders will wait to be transported up, in groups, by Zip World to the top of Zip A. The access route will be from Tower Colliery, along the Rhigos Road (public highway), leaving at a junction which provides access to Pen y Cymoedd Wind Farm, onto a private road.”*

Committee is also advised that a separate application for Listed Building Consent has also been submitted. The Lamp Room is not, of itself, a Listed Building but, by virtue of its proximity and setting amongst buildings that are Listed, it benefits from “curtilage Listing” and, as such, requires Listed Building Consent and, ultimately, referral to Cadw for consideration / determination.

## **SITE APPRAISAL**

The application site is in the north of the Cynon Valley. The site lies to the south of the villages of Rhigos and Hirwaun, covering an area of land on Rhigos Mountain, located between 0.5km and 1km to the west of the A4061 (the Rhigos Road) highway, between Blaenrhondda and Hirwaun.

The former Tower Colliery site as a whole covers a wide area of land and includes a number of buildings that remain from when the site was last used for coal mining. These buildings include:

- The Pithead Baths Building
- Lamp Room and Office
- Powder Room (Explosives)
- **Engine and Fan House**
- **Headframe & Pithead**
- Stores Building and
- Maintenance Workshop.

Land to be used at Tower Colliery also includes areas of hardstanding which were previously used as an area for car parking when the Tower Colliery site was operational. This area will be used for car parking as part of the proposed development, as well as being the base for the zip wire adventure, providing reception area.

The application site is in close proximity to the two Listed Buildings at Tower Colliery (the Engine House & Fan House and Pithead & Head Frame) and the Scheduled Ancient Monument (SAM) in the form of Ffos Toncenglau Cross Ridge Dyke which has pre-historic origins. It is also located in the Rhondda Uplands Landscape Area which is a designated historic landscape. The proposed location is also incorporated a part of a wider Site of Importance for Nature Conservation (SINC).

## **PLANNING HISTORY**

Committee is advised that there is an extensive Planning History pertaining, in part, to this site and its historic applications for coal mining activities however none of these are considered to be relevant to the consideration of this application.

Therefore, in the interests of brevity, only those applications relating to the zip wire development have been included.

**19/1192/10:** LAND AT RHIGOS MOUNTAIN AND FORMER TOWER COLLIERY SITE, RHIGOS ROAD, HIRWAUN, ABERDARE

Erection of three zip wire courses (4 zip lines), laying of hard standing, creation of internal access roads and pedestrian routes, temporary siting of cabins and use of land for car parking

**Decision:** 05/02/2020, Grant

**20/0266/38:** LAND AT RHIGOS MOUNTAIN ROAD AND FORMER TOWER COLLIERY, RHIGOS ROAD, ABERDARE, CF44 9UF

Discharge of condition 10 (historic environment mitigation) previous app 19/1192/10

**Decision:** 07/04/2020, Grant

**20/0289/38:** LAND AT RHIGOS MOUNTAIN AND FORMER TOWER COLLIERY, RHIGOS MOUNTAIN ROAD, RHIGOS, ABERDARE, CF44 9UF

Discharge of conditions 5 (access roads and parking spaces) and 11 (drainage) of previous application 19/1192/10.

**Decision:** 21/08/2020, Grant

## **PUBLICITY**

As part of the application process, formal Notices have been placed in and around the application site as well as in the Press (Western Mail). A letter was also sent to the agricultural tenant of the land, although this also formed part of the applicant's responsibilities under the legislation that requires them to serve notice on any agricultural / other tenants (Certificate of Ownership). Committee is reminded that issues of land ownership are not material in the consideration of an application. It simply requires that the correct procedures are followed.

Given the relatively remote location of the proposed development, Committee is advised that it is / was considered unlikely that this process would generate a significant amount of correspondence (either in support or objection). As a result, no correspondence has been received other than a request for information from the land owner but this is considered to be a private matter between them and the developer and there are no material planning considerations to be taken into account.

Separate publicity has been carried out as part of the LBC application.

## **CONSULTATIONS**

In addition to the PUBLICITY exercise, the following have also been consulted as part of the application process.

### Internal (RCT)

- **Transportation** – no objection subject to a condition
- **Drainage** – no objection
- **Public Health & Protection** – no objection
- **Countryside** – no objection
- **Tourism** – support the development

### External

- **NRW** – no objection



- **Brecon Beacons National Park Authority** – no objection (no response)
- **Dwr Cymru / Welsh Water** – no objection
- **Electricity Utility Provider** – advise on the location of apparatus and infrastructure in the area.
- **HSE (using PADHI)** – no objection
- **Gas Utility Provider** – advise on the location of apparatus and infrastructure in the area. Holding objection in respect of HSE consultation.
- **National Grid** – place a “holding objection” in respect of the proposal due to the proximity to its apparatus. They make no comment in respect of the development itself but are concerned about the safety implications of construction in the vicinity of their services. This matter has been addressed by the applicant directly and it is hoped that an update can be provided at Committee. The objection does not prevent Committee from determining the application.
- **Coal Authority** – no objection
- **Rhigos Community Council** – no response received.
- **Hirwaun Community Council** – no response received.

Separate consultation has been carried out as part of the LBC application.

## **POLICY CONTEXT**

### **LDP Policy**

#### Proposals Map

The site is affected by:

- Regionally Important Geological & Geomorphological Site
- Site of Importance for Nature Conservation
- Special Landscape Area designation
- Sandstone and coal resources

#### Core Policies

**Policy CS 1** emphasises building strong, sustainable communities in the northern strategy area, including by:

- Encouraging a strong, diverse economy including leisure & tourism (6);
- Protecting the natural environment (7).

**Policy CS 10** provides for the protection of mineral resources.

## Area Wide Policies

**Policy AW 2** supports development in sustainable locations.

**Policy AW 5** gives amenity and accessibility criteria for new development, including effect on character and appearance (1a), retention of features of environmental value (1b), safe access (2c) and parking (2d).

**Policy AW 6** gives design criteria for new development, including reference to cultural heritage (13) and landscape and biodiversity (14).

**Policy AW 7** gives criteria for development affecting Public Rights of Way

**Policy AW 8** requires development not to cause harm to features of SINC or RIGS unless (a) the proposal is for positive management of the site; (b) no unacceptable harm would be caused; and (c) the proposal could not go elsewhere and the benefits of it outweigh the nature conservation value of the site.

**Policy AW 14** safeguards from development the resources of sandstone (2) and coal (4). The coal boundary excludes the SSSI.

## Strategy Area Policies

**Policy NSA 25** requires the highest standards of design in the special landscape areas.

## SPG

- Design & Placemaking
- Nature Conservation
- Access, Circulation & Parking
- Employment & Skills

## Evidence Base

- EB44 SINC in RCT – Site Descriptions 2008
- EB49 Proposals for Designation of SLA in Rhondda Cynon Taf, 2008

## **National Planning Policy**

**Paragraph 4.1.39** encourages planning authorities to seek a minimum of 10% of car parking spaces to have ULEV charging points for new non-residential development. The paragraph gives criteria for how many ULEV charging points should be sought.

**Paragraph 5.5.1** promotes tourism as vital contributor to economic prosperity, job creation, and regeneration.

**Paragraph 5.5.2** encourages tourism where it contributes to economic development. It continues *“In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors”*.

**Paragraph 5.5.4** recognises the opportunities to re-use historic buildings for tourism facilities.

**Paragraph 5.5.7** encourages LPAs to adopt positive approaches to proposals which utilise previously developed or disused land for tourism uses.

**Paragraph 6.1.10** gives a general presumption in favour of the preservation or enhancement of listed buildings and its setting, which might extend beyond its curtilage.

**Paragraph 6.4.17** states that LPAs have a duty to further the conservation and enhancement of the special features of a SSSI, and there is a presumption against development likely to damage a SSSI.

**Paragraph 6.4.20** states that non-statutory designations, such as SLA and SINC, should not unduly restrict appropriate development where there are no adverse impacts on the features for which a site is designated.

**Paragraph 6.6.17** stipulates that new developments where the area covered by construction work equals or exceeds 100 square metres require approval from the Local Authority’s SuDS Approval Body (SAB) before construction can commence.

## National Development Framework (Consultation Draft)

**Policy 29** of the NDF consultation draft supports investment in the Heads of the Valleys area that can impact upon communities' prosperity and well-being. It states that the Heads of the Valleys is a priority area for the Welsh Government and should be a priority for future SDPs to deliver greater prosperity, support regeneration and improve well-being. It also notes the area's potential to build on its tourism offer.

## Technical Advice Notes (TAN)

**TAN 5** – Nature Conservation

**TAN 12** – Design

**TAN 18** – Transport

**TAN 23** – Economic Development

**TAN 24** – The Historic Environment

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies within the plan should not be allowed, unless material planning considerations justify the grant of planning permission.

Committee is advised that, what is being proposed is relatively simple in terms of its construction (a tubular construction kart track and internal modifications to a building that enables the track to enter and leave it to form part of the "experience" of the facility).

It is considered that the principal issues in the determination of this application are (in no particular order of importance):

Transportation, Access & Highway Safety

Landscape and Visual Impact

Ecology

Impact on the Historic Environment

Economy, Employment & Tourism

Transportation, Access & Highway Safety

Trip Generation.

The Transport Statement (TS) submitted with the application indicates that Zip World Limited expect to attract a similar number of visitors for the coaster kart ride to that of the (previously approved) zip wire on any peak season day, increasing the total maximum visitors to around 800 per day. However, due to the nature of the facilities on offer, there would be a significant amount of linked trips between the two attractions.

The TS states that at other Zip World sites with multiple attractions such as Penryn Quarry and Betws-y-Coed Forest the linked trips would be of the order of 25% – 40%. Therefore, a total site peak patronage of around 600 a day would be a robust assessment.

It is noted that there is to be up to 40 full time equivalent staff members generating up-to 80 two-way trips for staff only and that vehicle movements associated with these would also need to be taken into account when assessing the impact on highway movements and, ultimately, safety.

The approved hours of operation, and those applied for are 08:00 – 21:00, seven days a week, including holidays.

The TS indicates that the proposed development could generate, on a busy day (for example a summer bank holiday), approximately 24 two-way visitor trips an hour. The TS states that 312 two-way trips over a 13hr period on a peak day would occur with an assumption that 80% would travel with 4 occupants in a car.

There is potential for the proposed trip generation being far in excess of 312 trips with fewer visitors travelling in cars such as 2 and 3 car occupation trips. Therefore, the figures quoted in the TS are considered to be conservative and the actual trip generation is likely to be in the region of 420 trips, (312 visitors, 80 staff trips and operational use with a mini bus to the zip wire platform access).

It is also noted that there may be around 50-part time employees which, due to the shorter working hours / shift patterns could potentially further exacerbate the trip generation figures quoted above.

Based on the applicant's submitted TS the proposed would result in a vehicular trip every 2-3 minutes onto the highway network.

The Council's Transportation Section are satisfied that there are no issues with capacity on the A4061 and adjacent strategic highway network therefore **the proposed trip generation only** is considered acceptable.

Main Site Access off A4061

The main access for the proposed development to be used by visitors and staff will be from the existing Tower Colliery site access off A4061. The second access to be used for transporting customers to the upper platform for the ride would be from the existing access which serves the Forestry and Pen-Y-Cymoedd Wind Farm.

The A4061 has a national speed limit of 60 mph but has no street lighting and no segregated footway facilities. The A4061 provides a strategic link between the Rhondda and Cynon Valley.

The achievable vision splays are below the standards required by **TAN 18: Transport** for a 60mph speed limit which would require 2.4m x 215m splays with only 2.4m x 140m achievable. In order to improve **highway safety** along the A4061, it is proposed to reduce the signed speed limit to 40mph and on this basis vision splays of 2.4m x 120m would be required. On the basis that the consultation is currently under way to reduce the speed limit to 40mph the achievable vision splays of 2.4m x 140m are considered acceptable.

There is concern that the proposed Tower access point has a two-way vehicular trip generation considerably in excess of the 300 benchmark suggested by highway guidance (420 approx.) vehicular trips. This in turn has potential for vehicles turning right into the site (travelling from the direction of Rhigos / Hirwaun having to queue on the A4061 in close proximity to the road bend with a sub-standard forward vision, thereby increasing safety concerns. There is potential to overcome these concerns by undertaking works to the access to provide for a safe and satisfactory vehicular access to the proposed facility. No information has formally been submitted with the application however discussions have been held with the applicants and an informal agreement has been reached in respect of making improvements to the access. In order to secure this provision, a condition has been attached for the submission of a full engineering design and detail of the improved access point to the main site (Tower) with implementation to take place prior to the first beneficial use of the new Coaster Kart facility which will overcome these concerns. Committee is advised that, while Zip World are looking to open the two facilities simultaneously, the “prior to first beneficial use / operation” condition would only relate to this current application and they may operate the zip wire independently.

#### Accident Data

The accident data has been assessed between 2000 and 2018 with a number of accidents (7 in total) in the vicinity of the main access. The causal factors being excessive speed, and driver inattention. The reduction of the national speed limit to in the region of 40Mph and junction improvements conditioned would mitigate the impact of potential collisions due to excessive speed.

#### Internal Circulation and Parking

The Transport Statement indicates that the maximum parking accumulation on a peak day is expected to be in the region of 57 vehicles. There is concern that this is a conservative estimation with the site being heavily reliant on private motor vehicle as the main mode of transport. However, considering there are 119 car parking spaces provided, 3 coach parking spaces, motorbike parking spaces and areas within the site that could easily cater for overspill car parking should the need arise, the parking provision is considered acceptable.

### Sustainability

The nature of proposed development heavily relies on topography of its local context and as such is not located in an area with good sustainable transport links and sustainable modes of travel. The proposal would provide satisfactory, circulation and parking within the site curtilage to cater for all types of travel modes and upon demand, will arrange for pick up and drop off from Bus or Train Stations, which is considered acceptable in principle.

### Construction Method Statement. (CMS)

The applicant has submitted a CMS to address concerns with regards construction traffic and general construction of the site which is acceptable. The submitted CMS shall remain in operation throughout the construction phase.

### Highways Conclusion

Proposals with regard circulation and parking within the development site are considered acceptable.

The Transport Statement submitted indicates a conservative estimate of 312 visitor trips, which together with the staff trips and shuttle bus to the zip wire platform would result in approximately 420 two-way vehicular trips to and from the proposed on a peak day.

There is concern that the Tower access as existing would result in highway hazards to the detriment of safety of all highway users. There is potential to overcome these concerns by providing improvements to the access in accordance with details to be submitted and implemented prior to beneficial use of the Coaster Kart attraction and on this basis a condition has been suggested accordingly.

### Landscape and Visual Impact

The application site is located within the open countryside and, by virtue of its location, has the potential to impact upon its character and appearance where the underlying universal policy principle is to protect areas of countryside for its own sake. The landscape also lies in relatively close proximity to the southern boundary

of the Brecon Beacons National Park, where there is also a national policy principle to have regard to any impact on its setting and preserve its “special qualities”.

As part of the application process, both NRW and the BBNPA were consulted.

No formal response has been received from the BBNP as part of this proposal although it is understood that comments are in preparation and should be received by the date of Committee. From discussions it would seem that there will be no objections offered in respect of this proposal. In respect of the zip wire application they commented it would “*have some adverse impact on views towards the National Park. However, it is recognised that the proposed development is limited in terms of its scale and impacts*”. It is considered that this development has a similar impact (but for different reasons to do with its unique shape and mass).

The BBNP concluded “*there is no objection in principle to the proposed development*” and it is anticipated that a similar response will be received.

Notwithstanding this current lack of response, it is not considered that the construction of this, relatively modest structure (however alien in form) would have such an adverse impact as to be considered to negatively impact on the “special qualities” of the Park.

Similarly NRW have reviewed the Landscape Statement submitted with the application and have not offered any objections.

### Ecology

As part of the application, both the Council’s Ecologist and NRW were consulted.

While the surrounds and context of the coaster kart route are of largely high (SINC) value, the direct impacts and implications of constructing the ride’s infrastructure is shown by the habitat and species assessments to have a relatively small impact.

In terms of habitats, the scheme proposes a conservation grazing mitigation of adjacent marshy grassland as compensation/enhancement. This will be a minimum of 10 years management arrangement can be appropriately secured by a condition. As the applicants have already proposed this mitigation within their submission, Condition 2 (which lists all of the plans and documents submitted as part of the application and includes a requirement to carry out the development in accordance with those details) covers it appropriately. It is therefore considered any habitat impacts will be reasonably mitigated and enhanced.

No bat roosts were recorded in buildings affected and again precautionary measures for reptiles and nesting birds and other species/habitat features as identified in the mitigation section can be secured through Condition 2 then it is considered that any ecological impacts appear to be manageable.



The Council's Ecologist has also requested that, as a precautionary measure for bats, the appropriate informative is attached to any planning permission.

NRW have responded by offering "no objection". They have advised that there are no bats using the building, there is no risk of the development leading to the contamination of controlled waters and there is no impact on the Craig-y-Llyn SSSI.

### **Impact on the Historic Environment**

The wider Tower colliery site consists of 7 buildings which remain on the site, these are the :

Pit-head Baths Building;

Lamp Room and Office;

Powder Room;

**Engine House and Fan House;**

**Headframe and Pit-head;**

Stores Building; and

Maintenance Workshop

The Engine House and Fan House and Headframe and Pit-head are **Grade II** and have been listed since 1993.

Of the remaining buildings on the site, other than the Listed Buildings, the key buildings from a heritage perspective are the Pithead Baths Building, the Powder (explosives) Room and the Lamp Room / Office building. These are all considered to be "curtilage structures" to the Listed Buildings (not listed in themselves but being afforded similar protection as if they were). It is for the LPA to determine the (this) planning application. A separate "sister" application has also been submitted for Listed Building Consent (LBC). It is still necessary for this application to consider any potential impacts on the Listed and Curtilage Listed Buildings although it is the "sister" application that will be in greater detail and, should Committee resolve to approve this application, will be sent to Cadw for determination.

The Heritage Impact Assessment (HIA) included with the application makes a thorough and rigorous assessment of the heritage assets at the site. It is clear from the details of the planning application that none of the Listed Buildings will be physically affected by the construction of the coaster kart ride. The Lamp Room enjoys the protection of being "Curtilage Listed". It is proposed to carry out physical alterations to this building to enable the ride to begin and end within the building (see APPLICATION DETAILS).

It is considered that the proposed works are sympathetic to this building, Members are advised that this building has not been “pickled in aspic” since its heyday and has evolved during its use by Tower Colliery. Many of its original characteristics still remain, including the canopy under which the men queued to receive their lamp as well as the outline opening of the hatch from which the lamps were dispensed. The opening itself has long been blocked up and the buildings largely used as offices for Tower Colliery activities. The proposed works do not affect these key features and the building will still have an important role in telling the story of the history and evolution of coal mining at this site. This can be enhanced through interpretation boards and other visual media so that its many visitors can learn of the important role that this site played within the South Wales Coalfield.

It certainly cannot be said that the construction of a coaster kart ride in and around this building will complement the Listed or Curtilage Listed buildings however, it will completely contrast with the heritage of the site such that there will be a clear distinction between the proposed modern adrenaline-filled rides (including the zip wire) and the industrial heritage of the site such that visitors are unlikely to lose that important distinction as they may if the applicant proposed many additional permanent buildings, where their importance may be lost in the melee of new structures.

The use of this building will also play a huge role in securing the long term welfare of the building which, in the absence of an alternative use, would likely fall into a state of significant disrepair, that would inevitably, year on year, become more expensive and increasingly unviable to protect.

In light of these considerations, Committee is advised that any impacts on either the Listed Buildings or Curtilage Listed Buildings is acceptable although, ultimately, Cadw will determine whether any impacts are acceptable.

### Economy, Employment & Tourism

**Technical Advice Note 23 (Economic Development)** provides national guidance on matters relating to economic development and recognises the diverse range of employment uses that are present in the economy of Wales.

**Paragraph 1.2.1** advises that *“the economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises and gives due weight to the economic benefits associated with new development”*

**Section 2.1** relates to the weight to be given to economic benefit. **Paragraph 2.1.1** advises that *“it should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such*

*‘win-win’ outcomes where development contributes to all dimensions of sustainability.”*

**Paragraph 2.1.2** advises that *“Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions where social and environmental considerations will outweigh economic benefit. The decision in each case will depend upon the specific circumstances and the planning authority’s priorities.”*

As part of the PAC process, the BBNP responded *“From a tourism perspective BBNP welcome this development as another attraction based on the outdoors in the area. It would be helpful to discuss how the Brecon Beacons destination can work with Zip World to benefit both. BBNP would welcome working with the developers to provide information and interpretation within the complex to their guests – they would have some of the best views over the National Park anywhere in South Wales and they would be well placed to give their guests some of that story as well as links to other outdoor locations and businesses. The plans are relatively modest in terms of car parking and facilities. However, should the developer find that those facilities are outstripped by demand and expansion becomes desirable, BBNP would welcome more detailed discussion before plans are developed. We have concerns that the nearby Waterfall Country may become increasingly pressurised by guests being attracted to this general area when it is already at and indeed beyond capacity. We would welcome discussion with the applicants about how messages can be aligned.”*

It is clear from these observations that the BBNP can see the potential benefits to the wider area and are happy to work closely with Zip World to manage customer demand for the tourism experience offered by the region and the significant boost that the Zip World facility is likely to bring.

The development would involve a significant investment into the local economy which will, in the short term, benefit the construction industry and the associated supply chains linked to it. Once operational it will create valuable permanent employment opportunities. In addition, the facility would also complement and enhance the existing tourism offer in the area and help to ensure that the money spent by visitors is retained locally.

As stated in the introduction to this Committee Report, Zip World have established facilities in North Wales. A 2016 study undertaken by North Wales Tourism (NWT) identified that the average Zip World visitor spend is between £251 and £500 compared with a UK average of £161. Zip World (North Wales) has, so far, attracted 482,758 visitors since 2013.

An update to that study (2018) shows that the average spend in North Wales is increasing with 12.77% of visitors who went to Zip World less than a year ago spent

more than £1001. It was also noted that visitors spending at the lower end (£0-£100) has decreased by 7.8% from 3 years ago and 3.27% from the previous year. One of the factors identified in influencing this growth, is the greater range of local accommodation that is now on offer and provides a good illustration of where “spin-off spending” is being made by Zip World visitors.

In combination with the “average spend”, North Wales Tourism were able to calculate that Zip World has generated in excess of £121 Million (£121,172,258) to the North Wales economy. The applicant has advised that since the last survey was carried out (by NWT), Zip World has welcomed over 1,000,000 visitors since its inception and has now contributed over £251,000,000 to the local economy of North Wales. The applicants have further advised that these figures do not include “non-participants” in Zip World products / experiences which NWT estimate to be an additional 30%.

The 2018 Review suggests that Zip World is a strong pull factor and that some visits to North Wales wouldn't have taken place without the Zip World influence. It was concluded to be the primary factor with 63% of respondents visiting as part of a longer stay with over 25% stating that they had not been to North Wales before.

The applicant has estimated that the proposed development (in its submitted form) will provide employment opportunities for 8 full time staff and 50 part time staff when fully operational. They have also advised that, wherever possible, they will seek to employ people from the local area and the wider South Wales Valleys region. The NWT Review identified that Zip World hires 93% of its employees from the local area. The Review also identifies that the locality of the employee shows that Zip World employs very few people from outside the area (only 6.67%) and, because of this, there are fewer “leakages” with the money ultimately being both made and spent in the local economy.

Committee is advised that a company's past performance cannot be guaranteed to be replicated in a different location and that the success in North Wales is not automatic in the South, however “economic development” is a significant material consideration in the determination of this application, and there is every chance that this development, if approved, could provide similar opportunities both at the site itself and also in a wide range of complementary service providers (spin-offs) that could have a significantly positive influence on the County Borough and the Region.

### Conclusion

The application represents Phase 2 of the Zip World development in RCT. The Coaster Kart ride will complement the previously approved Zip Wire ride and firmly establishes a presence of this leisure provider within the County Borough. It is hoped that not only will these rides be constructed and be operational by the Spring of 2021 but that they will provide a platform for further phases of the attraction to expand and

bring with it the significant economic benefit that it has done for the North Wales economy.

The ride itself is relatively modest in scale and will not have any significant adverse impacts on either the wider landscape or the Listed Buildings that it will sit adjacent to. Its construction should also signal a renewed hope for the industrial buildings of the former Tower Colliery without the investment of which would likely result in a continued decent into dilapidation and exponentially increasing costs to provide future repairs.

Access issues are capable of being resolved through either the modification of the existing junction or the construction of a new access to the south. The details are the subject of a further submission through Condition 3 but have already formed the basis of discussions and it is now for the applicant to formally submit those plans for consideration / approval.

In light of the comments made above, the following RECOMMENDATION is made:

**RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the plans and documents listed in the letter from Cadnant Planning dated 24<sup>h</sup> November 2020.

Reason: To ensure the compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No development shall commence until full engineering designs and details of a new / improved vehicular access off A4061 (Tower), to include sections and surface-water drainage details, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into beneficial use until the works to the highway have been constructed in accordance with the approved details unless agreed in writing by the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety and to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

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## PLANNING & DEVELOPMENT COMMITTEE

17 DECEMBER 2020

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1141/10 (GD)  
**APPLICANT:** Groesffordd Homes Ltd  
**DEVELOPMENT:** Change of house type from two pair of semi-detached to two detached dwellings.  
**LOCATION:** RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9UH  
**DATE REGISTERED:** 19/10/2020  
**ELECTORAL DIVISION:** Rhigos

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**RECOMMENDATION:** Approve

**REASONS:** The principle of the proposed development is well established and remains acceptable. Additionally the change of house type is more in keeping with the style of housing already established at Halt Close and Halt Road a small enclave of dwellings located between Rhigos and the Hirwaun Industrial Estate.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

#### **APPLICATION DETAILS**

The application proposes the replacement of previously approved two pairs of semi-detached houses with two detached dormer bungalows. The design of the bungalows reflects the semi front-gabled design established elsewhere in the locality. The bungalows will comprise kitchen/diner, living room, study, family room, utility room bathroom and one bedroom on the ground floor with a further three en-suite bedrooms built into the roof space. The bungalows would be finished in the same combination of brick and roof tile established on the wider development.

Access to the development would remain as previously established with the junction formed on to Halt Close, with off road parking available on private drives to the side of each dwelling

## **SITE APPRAISAL**

The application was previously the site of the Aman Metal Spinners factory which closed approximately 20 years ago. The site forms part of the wider site previously granted permission for residential redevelopment and is located on the south western side of the site adjacent to the Rhigos Road bus pull in. The site is currently clear and vacant and is a broadly rectangular area of flat land. The individual dwellings of Halt Close lie to the north west of the site with the industrial estate to the north east. South east of the site are the two small dwellings, Clydfan and Brynteg, with Rhigos Road to the south west.

## **PLANNING HISTORY**

04/2264	Erection of 19 dwellings with garages estate road and highway improvements (demolition of existing buildings)	Approved 19/09/05
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## **PUBLICITY**

The application has been advertised by means of site notices and neighbour notification letters and no objections or observations have been received

## **CONSULTATION**

Transportation – No objections subject to the re-imposition of conditions applied to the original grant of planning permission.

Flood Risk Management – does not offer any objection or recommendation for condition in relation to surface water flood risk for this application as they are satisfied that the developments surface water flood risk will be adequately managed by both the Building regulations and Schedule 3 of the Flood and Water Management Act 2010.

With regard to the detailed design of the development the applicant should be made aware of the requirement of 'Schedule 3 of the Flood and Water management act 2010' the summary explanation is as follows:

*'From the 7th January 2019 all surface water drainage for new developments are required to comply with mandatory National Standards for [Sustainable Drainage systems](#) which will be demonstrated through the application of Sustainable Drainage*



*Approval to the Sustainable Drainage Approval Body (SAB) prior to the commencement of works.'*

In addition to the requirement to undertake SuDs approval the applicant should be reminded that SuDs approval is **Outside of the Town and Country Planning Act** and is **not available retrospectively**

Public Health & Protection – No objections subject to conditions

Natural Resources Wales – No objections

Dwr Cymru Welsh Water – No response received

Western Power Distribution – If a new connection or service alteration is required then the consent of Western Power Distribution will be required.

Mid Glamorgan Fire & Rescue Service – raise no objection subject to the developer ensuring that adequate water supplies are available to the development for firefighting purposes and the provision of adequate access for emergency firefighting appliances.

GGAT – As archaeological advisors to your Members, we have no objections to the positive determination of the application.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

**Policy CS1** – places an emphasis on building strong and sustainable communities in the Northern Strategy Area by amongst other things by providing high quality affordable accommodation that promotes diversity in the residential market.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

### **Supplementary Planning Guidance**

Design and Placemaking

Access Circulation and Parking

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments. Other relevant national policy guidance consulted:

*(Insert as appropriate from following list)*

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

The key issues in the consideration of the planning application are the principle of development itself taking into account the history of the site, the impact of the proposals on residential amenity and privacy, and the impact on the character and appearance of the area.

### **Principle of the proposed development**

The application site lies outside of the settlement limits defined by the adopted local development plan and this of itself would normally raise an objection to the current

proposals on planning policy grounds and this would be in accordance with the requirements of Section 38(6) as outlined above. However, in this instance, the site benefits from an extant planning permission that predates the adoption of the local development plan. This is a substantial material consideration, particularly as the extant consent allows the current owner to build a total of four dwellings on this part of the site rather than the two currently proposed.

### **Impact on the character and appearance of the area**

The application site was previously occupied by a factory unit and the wider site has been redeveloped in part in the last 15 years. It currently presents the appearance of a building site requiring completion. The development of the application plot for two substantial bungalows would bring the wider site nearer to completion which of itself would represent a substantial improvement to the character and appearance of a highly visible site. Additionally the bungalows are of a design that though individual in itself reflects the design style used elsewhere on the site and on Halt Close itself. As such it adds to the variety of the locality in a positive and constructive manner. As such, the impact of the proposals on the character and appearance of area is positive and acceptable.

### **Impact on residential amenity and privacy**

The proposals would help move the site towards a completion which has clear and obvious benefits to the residential amenity of the wider area and in this respect the proposals are entirely acceptable. The application site is located centrally on the southern side of the wider site. To the south lies Rhigos Road with undeveloped ground beyond. To the north lies the balance of the development site, where the current proposals match the building lines established by the earlier consent on this site, which is itself still under development. As such the privacy issue in both directions presents no issue. However, the current proposals also involve the provision of bedroom windows in the east elevation of the first plot and the west elevation of the second, the design of the two being a handed (mirrored) arrangement. This has some capacity to overlook properties proposed to the plots either side of the current proposals to a greater degree than the previous arrangement and if unaddressed could prove unacceptable in planning terms due to the degree of overlooking it would afford. However this issue can be addressed through the imposition of a condition to appropriately obscurely glaze the windows to bedroom 3 of both proposed dwellings.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

## Conclusion

The application is considered not to comply with the relevant policies of the Local Development Plan in respect of where development should be located. In this instance however, there are clearly overriding material considerations, as outlined above. Furthermore the proposals are compliant with the requirements of policy where it touches on issues such as design and the impact of the proposals on the character of the area, or the impacts on privacy and residential amenity. As such support is offered for the current proposals.

## RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The consent hereby granted refers to the proposed change of house types from 2 pairs of semidetached houses to 2 no. detached dwellings: plots 3, 4, 5, & 6 Groesffordd, Rhigos Road Hirwaun Drawing no. 2751 NB dated 07/09/2020.

Reason: for the avoidance of doubt as to the approved plans.

3. Notwithstanding the development hereby approved, the proposed window within bedroom 3 of both dwellings shall be fitted with obscure glazing to an industry standard of privacy level three or above, and maintained in perpetuity as such. (Any part of the window[s] that is less than 1.7m above the internal floor of the room in which it is installed shall be non-opening). The windows shall be permanently retained in that condition thereafter.

Reason: in the interests of the privacy and amenity of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Building operations shall not be commenced until samples of the external finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
  1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
  2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
  3. A written method statement for the remediation of contamination affecting the site

Reason In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

8. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 7 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

Reason In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout with sections, street lighting and surface-water drainage etc. have been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved engineering details.

Reason: to ensure the adequacy of the proposed development, in the interest of highway safety.

11. Prior to the development being brought into use, the site boundary fronting Rhigos Road shall be set back and a 2.0m. footway provided along the frontage in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

12. Prior to the development being brought into beneficial use, the required improvements to Halt Close and the proposed Halt Close/Rhigos Road junction together with vision splays, shall be laid out and constructed in

accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety.

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## PLANNING & DEVELOPMENT COMMITTEE

17 DECEMBER 2020

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO: 20/0464 - Proposed residential development and associated works, Land At Coleg Y Cymoedd, Cwmdare Road, Aberdare**

#### **1. Purpose of Report**

Members are asked to consider the determination of the above planning application.

#### **2. Recommendation**

That Members consider this report in respect of the application and determine the application having regard to the advice given.

#### **3. Background**

This application was originally reported to the Planning & Development Committee meeting of 3 December 2020, with an officer recommendation that planning permission be refused. A copy of that report is attached at **Appendix A**. At that meeting Members resolved that they were minded to approve the application contrary to recommendation. As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

#### **4. Planning Assessment**

Members are advised that the application site is located outside of the settlement boundary of Aberdare where residential development is not usually supported. It is recognised in this case, however that the application site is located between the existing housing development of 87 no. dwellings that is currently under construction to the south and a Green Wedge designation to the north. It could therefore be considered as an appropriate rounding off of the existing development, that would not result in further into open countryside due to the natural boundary provided by the Green Wedge.

The proposed development would also be connected to the existing highway network and utilities provision from within the wider development immediately to the south. It could therefore be considered to complement the character of the already approved residential scheme by providing a natural rounding off of the wider site. Further, it is not considered that the proposed additional 7 houses would not result in any undue impact to the amenities of the neighbouring properties being built by virtue of the earlier reserved matters approval.

Furthermore, the application site was allocated in the Local Development Plan for educational development (NSA28) although the new Coleg y Cymoedd campus was instead erected at the Robertstown Strategic Site. As such, whilst the site is located outside of the settlement boundary, it could be argued that the principle of development here has already been accepted, albeit for a new college rather than residential.

The proposed 7 no. dwellings would be located within the red line area of the existing planning permission for 87 no. houses that are currently under construction, and on land identified as Public Open Space (POS) for that development. The existing area to the west of the current application site would still form an area of POS, with a children's play area, although somewhat reduced in size from that previously approved. Approximately 1.1ha of POS was indicated in application 19/0116 for the 87 no. houses, with the current application reducing the POS by 0.38ha to 0.72ha, a shortfall of approximately 0.07ha in line with guidance set out in the relevant Fields and Trust criteria.

However, the Council's Parks and Countryside Section have commented that whilst the remaining area fails to meet the standards for the provision of adequate open space as highlighted by the Fields in Trust criteria, the site is located on the rural fringe where residents could relatively easily access other open space in the area. Furthermore, the proposed dwellings would overlook the play area and provide some supervision and safety.

The Council's Parks and Countryside Section further detailed that a payment of £7,000 from the developer could be used to mitigate the loss of POS and provide enhanced play facilities at the adjacent site. The applicant has been made aware of this and would agree to the payment. Members are advised that the payment could be obtained by a Section 106 agreement if the development was permitted.

In light of the above, whilst the remaining POS would not meet the relevant Fields in Trust criteria, it could be appropriated mitigated and considered acceptable.

The ecological impact of the development would be mitigated against on land adjacent to the site. Furthermore, a financial contribution for education provision would be provided to offset the school places demand it would generate.

Therefore, in conclusion, it could be considered the benefits of providing the proposed dwellings and contributions for improved play facilities and education would outweigh the conflict with policy.

If, having considered the above advice and after further consideration, Members remain of a mind to grant planning permission, it is suggested that the following conditions and Section 106 requirements would be appropriate:

### **SECTION 106 REQUIREMENTS:**

- An education contribution for primary school places of £24,514
- A contribution for improved play facilities at the adjoining site of £7,000

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan nos.:

- Dwg no. ABE3-15-04-01 Site Location Plan (Received 22nd May 2020)
- Dwg no. ABE3-15-04-02 Rev B Proposed Planning Layout (Received 5th August 2020)
- Dwg no. ABE3-15-04-03 Rev B External Materials & Boundary Enclosures Layout (Received 5th August 2020)
- Dwg no. ABE3-15-04-04 Street Scenes A-A & B-B (Received 22nd May 2020)
- The Whitland Elevations and Floor Plans (Received 22nd May 2020)
- The Mewslade Elevations and Floor Plans (Received 22nd May 2020)
- The Laugharne Front Elevation and Floor Plans (Received 22nd May 2020)
- The Laugharne Elevation (Received 22nd May 2020)
- The Ashford Elevations (Received 22nd May 2020)
- The Ashford Front Elevation and Floor Plans (Received 22nd May 2020)
- The Windsor Elevations (Received 22nd May 2020)
- The Windsor Front Elevation and Floor Plans (Received 22nd May 2020)
- The Oxwich Bay Elevations (Received 22nd May 2020)
- The Oxwich Bay Front Elevation and Floor Plans (Received 22nd May 2020)

- Garage Plans (Received 22nd May 2020)
- Dwg no. 1695-1002 Phase 2 SAB Engineering Layout (Received 22nd May 2020)
- Dwg no. 1695-1003 Phase 2 Long Section (Received 22nd May 2020)
- Dwg no. 20-017 Tree Constraints Plan (Received 26th May 2020)
- Dwg no. TDA.2542.01 Rev A Detailed Soft Landscape Proposals (Received 9th November 2020)

and documents received by the Local Planning Authority on 22<sup>nd</sup> May 2020, 1<sup>st</sup> June 2020 and 14<sup>th</sup> October 2020 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Prior to the commencement of development a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The dwellings, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 3) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The dwellings hereby approved shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the approved plans, no building works shall commence until full engineering design and details of the internal road layout including longitudinal and cross sections, street lighting details, highway structure (culverted water course), highway drainage, private shared accesses and associated bin storage, including construction details have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details prior to occupation of any dwelling hereby permitted.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
  - a) the means of access into the site for all construction traffic,
  - b) the parking of vehicles of site operatives and visitors,
  - c) the management of vehicular and pedestrian traffic,
  - d) loading and unloading of plant and materials,
  - e) storage of plant and materials used in constructing the development,
  - f) wheel cleansing facilities,
  - g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. The Developer shall provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following:-
- a) Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
  - b) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;
  - c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
  - d) Voucher or other means of contribution towards the cost of public transport season ticket, or purchase of bicycle or cycling accessories;
  - e) Local and national cycle routes; and
  - f) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with Policies CS1, AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the commencement of development and any site clearance, details of a scheme for all the ecological measures identified in Section 5 of the BSG Ecological Appraisal report (May 2020) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any mitigation measures shall be retained and maintained as such in perpetuity.

Reason: To enhance and afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

11. Notwithstanding the submitted details and prior to the commencement of development all details of the habitat creation measures as set out in the BSG Habitat Creation Plan document (October 2020) shall be submitted to the Local Planning Authority and approved in writing. The plan shall include details of the provenance origins of devil's-bit scabious plant plugs and a commitment to the provision of annual report to the Local Planning Authority as part of the 5 year monitoring proposals.

All works shall be carried out in accordance with the approved details.

Reason: To enhance and afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that out-lined in “Coleg y Cymoedd, Cwmdare Road, Cwmdare, Aberdare – Phase 2 Addendum to Written Scheme of Investigation for Archaeological Works” (EDP Report no. edp4848\_r002a).

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

13. The boundary treatment identified on dwg no. ABE3-15-04-03 Rev B External Materials & Boundary Enclosures Layout (Received 5th August 2020) shall be completed before the dwellings are occupied.

Reason: In the interests of amenity in accordance with Policies AW5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

14. All planting, seeding or turfing identified on dwg no. TDA.2542.01 Rev A Detailed Soft Landscape Proposals (Received 9th November 2020) shall be carried out in the first planting and seeding season following the first occupation of the dwellings or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

**PLANNING & DEVELOPMENT COMMITTEE**

**3 DECEMBER 2020**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0464/10 (GW)  
**APPLICANT:** WDL Homes Ltd  
**DEVELOPMENT:** Proposed residential development and associated works.  
**LOCATION:** LAND AT COLEG Y CYMOEDD, CWMDARE ROAD,  
ABERDARE  
**DATE REGISTERED:** 09/11/2020  
**ELECTORAL DIVISION:** Aberdare West/Llwydcoed

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**RECOMMENDATION: REFUSE**

**REASONS:** The development site is outside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP). Residential development is not supported by policy in such locations and no suitable justification, as an exception to the relevant policy, has been submitted.

The benefits of providing the proposed dwellings and contributions for improved play facilities and education would not outweigh the conflict with policy and therefore, on balance, the application is recommended for refusal.

As such the proposal would conflict with Policies AW1, AW2 and NSA12.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to the Committee for final determination as it proposes 5 or more dwellings.

**APPLICATION DETAILS**



Full planning permission is sought for 7 dwellings at the application site. The proposal would essentially form an extension to a development of 87 dwellings already permitted at the former Coleg y Cymoedd site in Cwmdare (and currently under construction). The new dwellings would be located on part of the land that was allocated for Public Open Space as part of the previous scheme and would be accessed from the roads within that development, leading from Cwmdare Road.

The 7 dwellings would be situated to the east of the formal playground area that would be provided for the development currently under construction. The proposal is for 3 and 4 bed dwellings of similar types to those being provided at the adjacent development site. They would be of a similar design and materials to those dwellings already approved.

The application is accompanied by the following:

- Cover Letter
- Planning Statement
- Ecological Appraisal Report and Additional Report
- Habitat Creation Plan by BSG Ecology
- Tree Survey
- Landscape Specification & Management Plan
- Written Scheme of Investigation for Archaeological Works

## **SITE APPRAISAL**

The site is located with an open area of land to the north of the former Coleg y Cymoedd Campus in Cwmdare. The former college site is currently being developed in relation to the 87 dwellings already granted permission (19/0116). This and the proposed site would be accessed from Cwmdare Road.

The site is bound to the west by Maesgwyn School and to the south by a residential development at the former Aberdare High School, located on the opposite side of Cwmdare Road. To the east is the B4275, Hirwaun Road and a small number of residential dwellings. The site is bound to the north by the remainder of the open field/greenfield land which houses a single residential dwelling.

## **PLANNING HISTORY (Relevant to this application)**

20/0365/39	Plot 82, Coleg Y Cymoedd, Cwmdare Road, Cwmdare	Provision of garden room for plot 82 of planning consent 19/0116/16.	Granted 04/05/2020
20/0152/39	Coleg Y Cymoedd, Cwmdare Road, Cwmdare	Provision of garden room for plot 87 of planning consent (19/0116/16).	Granted 10/03/2020

19/5116/41	“	“	Pre-application enquiry for construction of 7 new units and associated works.	Raise no objection 23/10/2019
19/1112/39	“	“	Provision of garden room for plot 3 and plot 85 of planning consent (19/0116/16).	Granted 15/10/2019
19/0309/38	“	“	Discharge of conditions: 5 (Scheme of Historic Investigation), 7 (Species and Habitat Protection Plan), 9 (Arboricultural Impact Assessment). 12 (Drainage Strategy), 15 (Internal Highway works) of previously approved outline planning application 16/1390 for development of dwellings.	Granted 06/09/2019
19/0580/38	“	“	Discharge of conditions 13 (external highway works) and 14 (traffic regulation order) of planning permission ref. 16/1390 for residential development.	Granted 21/08/2019
19/0116/16	“	“	Application for reserved matters approval (appearance, landscaping, layout, access and scale) and discharge of conditions 8 (Landscape Mitigation Plan), 10 (Site Investigation Report), 11 (Contamination Report) and 21 (Tree Protection) in respect of 87 dwellings and associated works (16/1390/13)	Granted 17/07/2019
18/0346/38	“	“	Discharge of condition 6 (Construction Method Statement) & part discharge of condition 7 (Demolition Method Statement) of previously approved planning application 16/1390/13.	Discharged 20/03/2019
16/1390/13	“	“	Demolition of existing buildings and development of up to 110 dwellings, provision of public open space, landscaping and	Granted 13/10/2017

associated infrastructure.

## **PUBLICITY**

The application was advertised via the erection of site notices and by direct neighbour notification. One letter of objection has been received at the time of writing this report. The contents are summarised below:

- We strongly object to the surface water to be discharged to the existing water course, which runs under our property. The site under development is extremely wet and is likely to become waterlogged regularly. The volume of surface water is likely to be very high. We are therefore concerned about the volume of water that is likely to be pumped into the water course, and are concerned that the level of the water is likely to be raised to such a high level during rainy periods that our property will be flooded.
- We are also concerned about the proposed fencing surrounding the development site. The plans show the fences surrounding our property at very close proximity to our hedge at the side of our garden and the wall at the bottom. We would like assurance that no damage will be caused to the hedge, trees and wall surrounding our garden. We have a holly tree within the boundary of our garden that is very precious to us and are worried that this will be damaged by the fencing.
- Behind the holly tree, just outside our boundary is another tree. Firstly, it provides a busy and valuable environment for birds and other wildlife and we feel that it would be an act of ecological vandalism to remove it. Secondly, it will provide an essential shield for us – our bathroom window looks out onto this tree and if it is removed then the new houses will have a clear, close and unshielded view into our bathroom, which will not be pleasant for anybody!

## **CONSULTATION**

**Dwr Cymru / Welsh Water** – We advise that the site will eventually drain to our Cynon Waste Water Treatment Works and as a consequence how the available capacity is apportioned amongst new development is a matter for the Local Planning Authority.

To ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the following condition is necessary with additional Advisory Notes:

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**Glamorgan Gwent Archaeological Trust** - We commented on the adjacent application for residential development (16/1390/13) in our letter dated 1st February 2017, when we recommended a condition requiring the submission of a Written Scheme of Investigation (WSI), detailing an archaeological watching brief, be attached to any consent. Similar archaeological potential exists for the current application as was the case for 16/1390/13 and we note

the submission of an addendum to the existing WSI, updating the document to include the current application area. To ensure adherence to the stated mitigation strategy in the WSI we recommend that a condition should be attached to any consent granted by your Members.

**Natural Resources Wales** – No objection. From the information provided it would seem there will be no impacts on any potential bat roosting features on trees. We note that the Ecological Appraisal – Coleg Y Cymoedd: Additional Units, by BSG Ecology, dated May 2020 states “There are no potential roosting features in any of the trees within the site boundary”.

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2), a bat survey may be required.

**RCT Countryside, Landscape and Ecology** – The ecology report has confirmed the overgrown nature of the pasture field which will house the development. It identifies a central area of moderately species rich neutral grassland (which includes some key indicators of species rich grassland). It also identifies the extending bramble fringe to the site and the old hedgerows around the perimeter. The report concludes loss of nesting bird habitat, likely reptile impact, and loss of bat foraging habitat. It does also confirm that mitigation/enhancement for loss of what is an area of local wildlife habitat will be hard to achieve within the development area. The provision of bat and bird boxes are recommended, with wildlife friendly landscaping and control of Japanese Knotweed the only mitigation options available.

The tree survey and layout do indicate retention of most of the eastern boundary tree/hedgerows, but removal elsewhere.

The development is effecting habitat of at least local wildlife value, which when considered with the adjacent wet fields that are subject of the S106 Management Plan for the already approved development, could be considered to form part of a habitat area that justifies SINC criteria, as bird/bat habitat and with potential for reptiles, and old, moderate species rich ex-pasture. As the ecology report identifies, the site does not have the potential to provide mitigation to off-set biodiversity loss, let alone provide biodiversity enhancement.

Notwithstanding this loss, the subsequent Habitat Creation Plan submitted would provide strategic ecological enhancement immediately adjacent the application site. The mitigation identified in both ecology reports can be secured by conditions if permission were to be granted.

**RCT Education & Lifelong Learning** – No comments received at the time of writing this report.

**RCT Flood Risk Management** – On review of the location’s risk of flooding it is noted that along the southern perimeter and within there is a High (Q30) surface water flood risk along the length of the watercourse.

The developer should be made aware that if they intend to undertake works to an ordinary watercourse (open channel or culvert) then they will require Ordinary Watercourse Consent prior to the works taking place.

The applicant has indicated that the sites surface water drainage will discharge through sustainable development however further information is required. Therefore, a condition requiring that no development shall commence until all relevant matters with regard to drainage details have been approved in writing by the Local Planning Authority is suggested.

From the 7th January 2019 all surface water drainage for new developments are required to comply with mandatory National Standards for Sustainable Drainage Systems which will be demonstrated through the application of Sustainable Drainage Approval to the Sustainable Drainage Approval Body prior to the commencement of works. This requirement is outside of the Town and Country Planning Act.

**RCT Parks** – The proposal would reduce Public Open Space and fails to meet the standards for the provision of adequate open space as highlighted by the Fields in Trust criteria. Off-site mitigation could be secured with a £7,000 payment to secure improved facilities at the playground area for the Coleg y Cymoedd site.

**RCT Public Health and Protection** – No objection subject to conditions in respect of demolition of dwellings, hours of operation, noise, dust and waste.

Previous intrusive investigations undertaken on this land (under condition 11 of Planning Consent 16/1390/13 which related to a wider area), identified potential contaminants of concern which required remediation in areas of soft landscaping and residential gardens. The land forming this fresh application is not believed to have been remediated as part of the earlier application, since it was being put to a less sensitive use (Public Open Space). Therefore, a condition is required to obtain a scheme to deal with contamination.

**RCT Transportation Section** – The proposed development of 7 dwellings provides for satisfactory access, circulation and parking in accordance with the Council’s SPG: Access, Circulation and Parking and Design Guide. Therefore, on this basis, the proposal is considered acceptable and no objections are raised subject to the following conditions: full engineering design and details of internal layout, a construction method statement and the provision of a Travel Plan for future occupiers of the dwellings.

**RCT Waste Services** – No comments received at the time of writing this report.

## **POLICY CONTEXT**

## **Rhondda Cynon Taf Local Development Plan**

The site is located outside the defined settlement boundary, north of the former Coleg y Cymoedd Campus off Cwmdare Road in the Northern Strategy Area. The site was allocated in the local plan for educational development (NSA 28), although the new campus was instead erected at the Robertstown Strategic Site. The site is bordered by a Green Wedge (NSA 24.7 – Land between Penywaun and Cwmdare/Trecynon), however it does not encroach into this designation. Further, the site lies entirely within a coal mineral resource area (AW 14.4), although the minerals have already been sterilised by surrounding development.

**Policy CS 1** - emphasises building strong, sustainable communities in the Northern Strategy Area, to be achieved partly by promoting development in principal towns (1) and partly by promoting the re-use of previously developed land (3).

**Policies CS 4 and CS 5** - the policies identify that land is required to meet the housing requirements of 14,385 new dwellings in sustainable locations over the plan period. Of these, 1,770 should be affordable units, as set out in CS 5.

**Policy AW 1** - supports new housing inside the settlement boundaries and allocated sites.

**Policy AW 2** - promotes development in sustainable locations.

**Policy AW 4** - lists community infrastructure and planning obligation contributions which the Council may seek in respect of new development.

**Policy AW 5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW 6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW 7** - covers the protection and enhancement of the built environment.

**Policy AW 8** - sets out criteria for the protection and enhancement of the natural environment.

**Policy AW 10** - development proposals must overcome any harm to public health, the environment or local amenity.

**Policy AW 14** - protects the resources of coal from sterilisation.

**Policy NSA 10** - seeks a minimum housing density of 30 dwellings per hectare and gives criteria for accepting lower densities.

**Policy NSA 11** - seeks the provision of 10% affordable housing on residential development of 10 dwellings or more.

**Policy NSA 12** - gives criteria for housing development within settlement boundaries.

**Policy NSA 24.7** – Green Wedges have been identified in order to prevent coalescence between and within settlements. The Green Wedge covers the land between Penywaun and Cwmdare/Trecynon.

**Policy NSA 28** - Land adjoining the College is allocated for education development.

### **Supplementary Planning Guidance:**

Access Circulation and Parking  
Affordable Housing  
Design and Placemaking  
Nature Conservation  
Planning Obligations

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales (Edition 10) (PPW) sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations (Wales) Act in to planning.

It is considered that the proposed development is not consistent with the key principles and requirements for placemaking set out in PPW; and is also not consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;  
PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 16: Sport Recreation and Open Space;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development;  
PPW Technical Advice Note 24: The Historic Environment; and  
Manual for Streets.

### **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main issues:**

#### **Principle of development**

The site is located outside the defined fixed settlement boundary of Aberdare, north of the former Coleg y Cymoedd Campus off Cwmdare Road in the Northern Strategy Area. The site was allocated in the local plan for educational development (NSA 28) although the new Coleg y Cymoedd campus was instead erected at the Robertstown Strategic Site. The site is also bordered by a Green Wedge (NSA 24.7 – land between Penywaun and Cwmdare/Trecynon), however the proposed development does not encroach into this designation. Further, the site lies entirely within a coal mineral resource area (AW 14.4), although the minerals have already been sterilised by surrounding development. There are a number of considerations to be made in relation to this application.

### Housing Need

The applicant argues that the development would meet housing land supply and need. The Ministers, on the 26<sup>th</sup> March 2020, revoked PPW Technical Advice Note 1: Joint Housing Land Availability (TAN 1) in its entirety and as a consequence the Council will no longer follow the model in TAN 1 to demonstrate a five-year housing land supply. Instead, the Council will move to the Annual Average Requirement (AAR) method, tracking actual completions. It should also be noted that paragraph 4.2.15 of PPW 10, concerning the five-year housing land supply, has also been deleted in accordance with the Minister's letter of the 26<sup>th</sup> March 2020. Therefore, the argument set out within the applicant's planning statement, in relation to this issue, carries little weight in this regard.

### Settlement Boundary and Whether Site is in a Sustainable Location

The development is outside but adjoining the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan. Therefore, the proposal conflicts with Policy AW 1.

With regard to Policy AW 2, this requires that development should meet a number of criteria to be considered a sustainable location for development. In relation to the first criterion, the site lies outside the defined Aberdare fixed settlement boundary in Trecynon/Cwmdare and therefore conflicts with part of criterion 1 of the policy.

Policy AW 2 also requires that it accords with Policy NSA 12 of the LDP. This provides for development within and adjacent to the defined settlement boundary in the Northern Strategy Area, subject to criteria. Aberdare however has a fixed settlement boundary, which aims to prevent development that would undermine the character of the area, result in the urbanisation of the countryside and potentially witness growth without the necessary infrastructure to support sustainable development. The Council would not normally allow development outside the defined Aberdare settlement boundary and any development contrary to the plan undermines confidence in the plan-led system. Furthermore, no assessment has been provided as to whether there are sites within the settlement boundary that remain



undeveloped and which are capable of accommodating the number of residential units being proposed.

In terms of the other relevant criterion for Policy AW 2 there would be some conflict with surrounding land uses as there would be some loss of ecology. However, whilst the loss would be regretted, as detailed below there would be, on balance, no objection as beneficial mitigation can be provided elsewhere. Access to surrounding services and facilities would be similar to the adjacent residential estate under construction which has been considered a sustainable location for development.

In summing up, the development is outside the settlement boundary identified in the LDP. Residential development is not supported in such locations and no suitable justification, as an exception to the policy, has been submitted. The development would therefore conflict with Policies AW 1, AW 2 and NSA 12 of the LDP. This consideration is backed up by recent decisions made by the Minister for Housing and Local Government including: Appeal ref: APP/L6920/A/19/3226294 Land at Heol y Cefn, Cefn Fforest, Bedwellty, Caerphilly. The Minister detailed, "I am committed to a plan-led system in Wales and I consider the primacy of the adopted LDP is key to providing certainty for communities and developers, regarding the type and scale of development that will be in permitted in local authority areas throughout Wales."

#### Allocation for College development

The site is allocated in the LDP for an extension to the Coleg Morgannwg (now Coleg y Cymoedd) campus (Policy NSA 28). The college has however subsequently been re-located on the Robertstown Strategic Site and as such development of the land for this purpose is no longer required. Notwithstanding this, development of the site, would not intrude into the adjacent Green Wedge which would retain its purpose of protecting the countryside and preventing coalescence, and it is conceded that the application site would somewhat offer a natural extension to the existing permitted site (for 87 dwellings), whilst being contained by surrounding designations and development. That being said, it remains outside the fixed settlement boundary, and if other types of development (i.e. residential) were considered acceptable, it would have been included within the settlement boundary of the LDP.

#### Impact on Public Open Space

The proposed 7 no. houses would be located within the red line area of an existing planning permission for 87 houses (19/0116) and on land identified as Public Open Space (POS) for that development. From the proposals submitted, it would appear that the existing area to the west of the current application site would still form an area of POS, with a children's play area, although somewhat reduced in size from that approved for the site of 87 dwellings (19/0116).

Approximately 1.1 ha of POS was indicated in application 19/0116 for the 87 houses. The current application reduces the POS by 0.38ha to 0.72ha. In assessing if 0.72ha is an acceptable area of POS, the Council's SPG on obligations indicates the previous permission had a 304 person demand and the new development increases this by 27. Taken from the calculations in the SPG the combined requirement of 331 persons for POS would be 0.7944ha. Whereas only 0.72ha is provided (in the area identified as POS) this would be a shortfall of approximately 0.07ha.

The applicant argues that this is acceptable as outline permission (16/1390) identified 110 houses were acceptable on the site and that the additional dwellings being proposed now would be within the total numbers approved. Members are advised that the 110 houses were however identified in an area for housing on the 'masterplan' for that application, and this number of houses would not have affected the 1.1ha of approved area for POS. As such, the under development of the approved housing area (for 87 houses) is not considered a reason that should carry significant weight in allowing the loss of POS.

The Council's Parks and Countryside Section have been consulted for their opinion on whether the remaining open space within the wider site is acceptable for both developments. They comment that the remaining area fails to meet the standards for the provision of adequate open space as highlighted by the Fields in Trust criteria. It is also noted the site is however on the rural fringe where residents could relatively easily access other open space in the area. The Council's Legal and Democratic Services Section state that if the remaining area of POS is not sufficient, further mitigation could be sought.

The information submitted suggests the applicant does not have any further land nearby to provide additional POS. Whilst POS would be lost as part of the proposal, it could be argued that there would be some benefits from having housing in the proposed location. In accordance with place-making principles (and as set out in the pre-application advice), the developer was encouraged (if submitting an application) to provide housing that overlooked the play area on both the permitted and proposed sites, in the interest of supervision and safety. It is noted that the 7 dwellings proposed as part of this site extension do indeed overlook the designated open space/play park and may provide some benefit in this matter.

The Council's Parks Section have further detailed that a payment of £7,000 from the developer could be used to mitigate the loss of open space to provide enhanced play facilities at the adjacent site. The applicant has been made aware of this and would agree to the payment. Members are advised that the payment could be obtained by a Section 106 agreement if the development was permitted.

In summing up, whilst the remaining open space does not meet the Fields in Trust criteria, the site is located on the rural fringe where the countryside can be accessed relatively easily. In addition the agreed payment for enhanced facilities would offset the loss of public open space on site and would be

considered necessary if permission were to be granted. Therefore, on balance, whilst the level does not accord with the criteria required by Policy AW 6, the Public Open Space issue would be considered acceptable.

#### Density of development

Policy NSA 10 requires a minimum density of 30 dwellings per hectare in the Northern Strategy Area. The policy does however stipulate that lower density levels may be permitted where it can be demonstrated that: they are necessary to protect the character of the area; they are necessary to protect the amenity of existing or future residents; and they still make adequate efficient use of the site. During the pre-application stage, the applicant was asked to provide justification for the proposed lower density level for the site. The applicant argues that *"...the density of the proposed development is considered to be acceptable in order to provide a well-designed development that makes efficient use of the land and meets planning policy requirements"*. No further argument or point is made in this regard. It is acknowledged that the topography of the site, which slopes upward towards the north, could be a factor in not meeting the requirement of 30dph in this instance, however this point is not raised by the applicant. The site is also on the rural fringe where density is normally lower. The site is approximately 0.3 hectares in size, which equates to 20dph, this is shy of the minimum density level set by the policy. An additional 2 or 3 dwellings would be required on the site to meet the policy requirements. On balance however, as detailed above, the density of the proposed residential development would be considered acceptable in this location as it would help protect the character of the area.

#### PPW Placemaking principles

The pre-application advice requested that the applicant provide information evidencing that the site is in line with the placemaking principles, well-being goals and the five ways of working, as set out in PPW 10 and the Well-being of Future Generations (Wales) Act. Such evidence is not present within the Planning Statement that accompanies this application. There is however a focus on the five-year housing land supply issue, which has been subsequently deleted from national planning policy. Notwithstanding this and that the site is outside the settlement boundary, it is evident that the proposal would link in to the highways arrangement of the earlier approved development and would somewhat complement the character of that proposal.

#### Education Contribution

The original proposal for 87 dwellings required an education contribution. The additional dwellings at the site would result in increased demand for education services. As detailed in the pre-application meeting with the applicant, if the other issues with the application are acceptable, a section 106 agreement for an education contribution for primary school places would be necessary. The education contribution for the previous application for 87 dwellings was £343,196 for primary school places. Therefore, for this proposal the contribution for 7 dwellings would be £24,514. The applicant has agreed to

this contribution which could be obtained via a Section 106 agreement. As such, if the contribution is paid it would cover some of the burden of additional education demand as a result of the development.

### Summing up

In summing up, the site is outside the settlement boundary and conflicts with Policies AW 1, AW 2 and NSA 12. Recent Welsh Government decisions have reiterated the importance of a plan-led system.

The allocation of the land for an extension to the former college (Policy NSA 28) carries little weight as the college has moved and therefore this development requirement has been removed.

There are issues with the shortfall in Public Open Space and the proposed low density of development, however these would be acceptable as detailed above.

The development could however be seen somewhat as a natural extension of the already approved housing scheme. It would be connected to the existing highways network, would somewhat complement the character of the approved residential scheme and could aid overlooking of the remaining Public Open Space. Furthermore, a financial contribution for improved play facilities would be provided and an education contribution would be provided to offset the school places demand it would generate.

Whilst it is accepted the proposed development would provide some benefits, it is not considered these benefits outweigh the conflict with LDP policies. Particularly to the Aberdare area, where the settlement boundary has been designed in order to control housing development outside defined settlement policy boundaries.

Therefore it is recommended the proposal would not be acceptable in principle.

### **Impact on Ecology**

Section 6 (para 6.4.5) of Planning Policy Wales states, "Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity."

The submitted ecology report concludes there would be a loss of nesting bird habitat, likely reptile impact, and loss of bat foraging habitat. It also confirms that mitigation/enhancement for the loss of what is an area of local wildlife habitat will be hard to achieve within the development area. The only mitigation options recommended are: the provision of bat and bird boxes, wildlife friendly landscaping and the control of Japanese Knotweed. The Council's Ecologist considers the development will be effecting habitat of at least local wildlife value and that could be considered to form part of a habitat

area that justifies Site of Importance for Nature Conservation (SINC) criteria. Therefore, it is not considered the measures proposed would be sufficient to mitigate the loss identified.

In response, the applicant has submitted an updated ecology report with a habitat enhancement plan for land outside and to the north of the application site. The mitigation area referred to is not within the current applicant's ownership and it is understood to be owned by Coleg y Cymoedd.

No objection has been raised to this by the Council's Ecologist subject to conditions for improvements on site and to the adjoining mitigation area. On balance, it is considered that whilst biodiversity at the site would be significantly diminished, the mitigation at the adjoining site would be a benefit. The development therefore demonstrates that it could provide a net benefit for biodiversity as required by Section 6.4.5 of Planning Policy Wales (PPW) and would accord with the requirements of Policy AW 8 of the Local Development Plan in respect of its compatibility and impact on ecology.

### **Impact on the character and appearance of the area**

The proposed residential development would result in the loss of some open countryside space. However, due to the position of existing houses on Hirwaun Road to the east and Nantgwyn to the west and the development under construction on the former college site, the proposed development could somewhat be seen as a natural rounding-off of the settlement boundary. It would also not affect the adjoining Green Wedge area.

The layout proposed is similar to that on the approved part of the former college site and the density of housing being proposed is considered acceptable in this location. The range of housing types and the design, size, scale and finishing materials would be acceptable.

Taking into account the above assessment, on balance, it is considered the development would not result in a significant detrimental visual impact to the character of the site and the area as a whole.

### **Impact on residential amenity and privacy**

An objection has been received, as part of the public consultation exercise, detailing that there could be a loss of privacy to a neighbouring dwelling as a result of a tree being removed. Whilst this is noted and it is appreciated that views may be opened up as a result of some vegetation being removed, it is considered that there would be an acceptable distance between the existing dwellings and the proposed to protect amenity. For example, the resulting closest relationship would be between plot 90 and the existing dwelling behind on Hirwaun Road. These would be separated by 20m, which in this instance, is considered an acceptable separation distance.

The layout would also not result in any significant impact from overbearing or loss of sunlight. As such, the impact to nearby residents is considered to be acceptable.

## **Access and highway safety**

The development would be accessed from the highways permitted under the original scheme. No objection has been raised by the Transportation Section subject to conditions requiring full engineering design and details of internal layout, a construction method statement and the provision of a Travel Plan to future occupiers of the proposed dwellings.

## **Contamination**

The Council's Public Health and Protection Section highlight previous intrusive investigations undertaken on this land for the previous applications identified potential contaminants of concern which required remediation in areas of soft landscaping and residential gardens. They detail the land forming this fresh application is not believed to have been remediated as part of the earlier application, since it was being put to a less sensitive use (Public Open Space). Therefore a condition is considered necessary to obtain a scheme to deal with contamination. Details of this can be required by a suitably worded condition if Members are minded to approve the application.

## **Impact on Archaeology**

The site has potential for former historical features as clarified by Glamorgan Gwent Archaeological Trust (GGAT). The applicant has submitted a report detailing a scheme of investigation. No objection has been raised by GGAT subject to a condition requiring a watching brief. This is considered necessary and can be required by a suitably worded condition if permission is granted.

## **Drainage**

An objection has been raised by a local resident detailing that the proposed surface water discharge to a drainage channel, which then crosses their property, may result in the flooding of their property. The Council's Flood Risk Management Section recognise there are some local flooding issues in the area and that flow to the channel would need to be regulated to below green field discharge rates. They further detail all surface water drainage for new developments are required to comply with mandatory National Standards for Sustainable Drainage Systems, which will be demonstrated through the application of Sustainable Drainage Approval to the Sustainable Drainage Approval Body prior to the commencement of works.

With regards to foul drainage, Dŵr Cymru/Welsh Water do not object subject to a condition to restrict surface water to the public sewerage system.

Members are advised that drainage matters can be obtained by separate legislation i.e SAB approval, Building Regulations and Dŵr Cymru/Welsh Water approval. However, as flooding issues could occur if an acceptable drainage system is not provided, a condition requiring drainage details be submitted to and approved by the LPA prior to any works starting on site is considered necessary in this instance.

## **Section 106 Contributions / Planning Obligations**

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

### **The Section 106 requirements in this case would be:**

- An education contribution for primary school places of £24,514.
- A contribution for improved play facilities at the adjoining site of £7,000.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a £nil charge is applicable. Therefore no CIL would be payable.

### **Conclusion**

The application would not comply with the relevant policies of the Local Development Plan in respect of the principle of development (Policies AW 1, AW 2 and NSA 12).

Furthermore, the development would not contribute to national sustainable placemaking outcomes, identified in Planning Policy Wales, in the following areas: Has distinctive and special landscapes and prioritises the use of previously developed land and existing buildings.

**RECOMMENDATION: Refuse**

1. The site is outside the defined settlement boundary of the Rhondda Cynon Taf Local Development Plan. As such the proposal conflicts with Policies AW1, AW2 and NSA12 of the Rhondda Cynon Taf Local Development Plan and it would amount to an unjustifiable extension of residential development into the countryside.



## APPEALS RECEIVED

**APPLICATION NO:** 20/0091  
**APPEAL REF:** A/20/3263318  
**APPLICANT:** Mr M Agostini  
**DEVELOPMENT:** Construction of 3 no. Garages. (Amended Plans received 28/05/20).  
**LOCATION:** LAND ADJACENT TO JAMES STREET, CWMDARE, ABERDARE  
**APPEAL RECEIVED:** 17/11/2020  
**APPEAL START DATE:** 04/12/2020

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**APPLICATION NO:** 19/1245  
**APPEAL REF:** V/20/3261651  
**APPLICANT:** Hafod Housing Association  
**DEVELOPMENT:** Development of 25 affordable dwellings and associated works (Planning Policy Tech Note; Transport Assessment Addendum; Site Investigation; Ecological Management Plan; Revised Boundary Detail; and other revised plans to reflect changes to traffic calming/site entrance; received 30<sup>th</sup> January 2020)  
**LOCATION:** LAND TO THE NORTH OF BRYNNA ROAD, BRYNNA  
**APPEAL RECEIVED:** 28/10/2020  
**APPEAL START DATE:** 02/12/2020

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**Report for Development Control Planning Committee**

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**Aberdare West/Llwydcoed**

**20/0642/10** Decision Date: 04/12/2020  
**Proposal:** Conservatory to side elevation.  
**Location:** 7 ALMA STREET, TRECYNON, ABERDARE, CF44 8NT

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**20/1073/10** Decision Date: 24/11/2020  
**Proposal:** Raised decking (retrospective).  
**Location:** 29 BRYN DERWEN, CWMDARE, ABERDARE, CF44 8SE

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**Cwmbach**

**20/1191/10** Decision Date: 02/12/2020  
**Proposal:** Two storey side and rear extension and front porch.  
**Location:** 53 PINECROFT AVENUE, CWMBACH, ABERDARE, CF44 0NB

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**Mountain Ash East**

**20/1009/10** Decision Date: 24/11/2020  
**Proposal:** Door access to garage from property courtyard. Remove the sloped front courtyard and level out with paving slabs.  
**Location:** 1 ALEXANDRA TERRACE, MOUNTAIN ASH, CF45 4LE

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**Aberaman North**

**20/1037/10** Decision Date: 01/12/2020  
**Proposal:** Two Storey Rear Extension.  
**Location:** 3 CLUB STREET, ABERAMAN, ABERDARE, CF44 6TN

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**20/1098/10** Decision Date: 24/11/2020  
**Proposal:** Proposed rear two storey extension.  
**Location:** 4 GLADSTONE STREET, ABERAMAN, ABERDARE, CF44 6SA

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**20/1207/15** Decision Date: 02/12/2020  
**Proposal:** Variation of condition 1 to renew outline planning permission (Ref 15/1231/13) for the construction of a detached dwellinghouse / garage.  
**Location:** LAND OPPOSITE NO 1 BELMONT TERRACE, ABERAMAN, ABERDARE, CF44 6UW

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**Report for Development Control Planning Committee**

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**Treherbert**

**20/1026/10** Decision Date: 25/11/2020

**Proposal:** Ground floor rear extension.

**Location:** 1 ALMA STREET, TYNEWYDD, TREHERBERT, TREORCHY, CF42 5LY

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**Treorchy**

**20/0876/10** Decision Date: 04/12/2020

**Proposal:** Detached double garage to front garden, and associated retaining walls / patio.

**Location:** 7 TYLACOCK PLACE, TREORCHY, CF42 6DH

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**20/1013/10** Decision Date: 25/11/2020

**Proposal:** Two-storey rear extension, first floor balcony to front and first floor side extension.

**Location:** 17 RHEIDOL CLOSE, YNYSWEN, TREHERBERT, TREORCHY, CF42 5AP

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**20/1050/10** Decision Date: 25/11/2020

**Proposal:** First floor rear extension.

**Location:** 5 TYNBYEDW STREET, TREORCHY, CF42 6PY

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**Pentre**

**20/1030/10** Decision Date: 30/11/2020

**Proposal:** First floor side extension.

**Location:** 98 DINAM PARK, TON PENTRE, PENTRE, CF41 7DZ

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**Cwm Clydach**

**20/1046/10** Decision Date: 25/11/2020

**Proposal:** Rear first floor extension.

**Location:** 86 PARK STREET, CLYDACH, TONYPANDY, CF40 2BU

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**Trealaw**

**20/1036/13** Decision Date: 01/12/2020

**Proposal:** Outline for a dwelling.

**Location:** LAND BETWEEN 161 & 162 BRITHWEUNYDD ROAD, TREALAW, TONYPANDY

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**Report for Development Control Planning Committee**

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**Maerdy**

**20/1048/10** Decision Date: 25/11/2020  
**Proposal:** Two-storey rear extension.  
**Location:** 38 OXFORD STREET, MAERDY, FERNDALE, CF43 4BG

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**20/1089/16** Decision Date: 01/12/2020  
**Proposal:** Extension of time 5 years (original app 15/12/19/10)  
**Location:** 13 GRIFFITH STREET, MAERDY, FERNDALE, CF43 4DH

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**Trallwn**

**20/1093/01** Decision Date: 02/12/2020  
**Proposal:** Signage Scheme consisting of 6no. signs.  
**Location:** SAINSBURYS SUPERMARKETS LTD, BROWN LENNOX RETAIL PARK, YNYSANGHARAD ROAD, PONTYPRIDD, CF37 4DA

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**Rhondda**

**20/0265/16** Decision Date: 27/11/2020  
**Proposal:** Application for reserved matters for single dwelling (Access, appearance, landscaping, layout and scale) (Previous app 13/0988/13) (Amended Plans and drainage details received 04/10/20)  
**Location:** TYBERW COTTAGE, HAFOD LANE, PANTYGRAIG-WEN, PONTYPRIDD, CF37 2PF

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**20/0603/09** Decision Date: 01/12/2020  
**Proposal:** Lawful Development Certificate (LDC) for a breach of an agricultural occupancy condition attached to planning permission 56/80/0708 dated 16th September 1980, at Llandraw Farm, Pontypridd, CF37 1EX.  
**Location:** LLANDRAW FARM, LLANDRAW WOODS, MAESYCOED, PONTYPRIDD, CF37 1EX

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**20/0664/10** Decision Date: 04/12/2020  
**Proposal:** Change of use of vacant building from decommissioned driving test centre to a 3 bed residential property (Flood Consequences Assessment received 02/10/2020).  
**Location:** DRIVING STANDARDS AGENCY, 18 PWLLGWAUN ROAD, PONTYPRIDD, CF37 1HH

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**Treforest**

**20/0969/10** Decision Date: 24/11/2020  
**Proposal:** Proposed change of use from Retail (Class A1) to Hot Food Takeaway (Class A3) associated with the adjoining store and external alterations including new shopfront and signage.  
**Location:** LIGHTS ON BROADWAY, HEATHFIELD VILLAS, TREFOREST, PONTYPRIDD, CF37 1DB

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**Rhydyfelin Central**

**20/1104/10** Decision Date: 23/11/2020  
**Proposal:** Porch extension to front of house. Dining/Kitchen extension to rear.  
**Location:** 34 DYNEA ROAD, RHYDYFELIN, PONTYPRIDD, CF37 5DP

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**Report for Development Control Planning Committee**

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**Ffynon Taf**

**20/1077/19** Decision Date: 01/12/2020  
**Proposal:** One Ash tree within rear garden to be dismantled and cut close to ground level  
**Location:** 22 BRYNAU ROAD, TY RHIW, FFYNNON DAF, CAERDYDD, CF15 7SA

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**Llantwit Fardre**

**20/1284/09** Decision Date: 04/12/2020  
**Proposal:** Certificate of lawful development for a proposed single storey extension to rear.  
**Location:** 143 PARC NANT CELYN, EFAIL ISAF, PONTYPRIDD, CF38 1AA

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**Church Village**

**20/1045/10** Decision Date: 24/11/2020  
**Proposal:** Single storey side extension.  
**Location:** 20 CAE FFYNNON, CHURCH VILLAGE, PONTYPRIDD, CF38 1UB

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**Tonteg**

**20/0796/10** Decision Date: 02/12/2020  
**Proposal:** Single storey extension with porch.  
**Location:** 30 MEADOW CRESCENT, TONTEG, PONTYPRIDD, CF38 1NL

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**Tonyrefail West**

**20/1038/09** Decision Date: 04/12/2020  
**Proposal:** Construction of single storey rear extension with associated ground works.  
**Location:** 35 CEDAR WOOD DRIVE, TONYREFAIL, PORTH, CF39 8JB

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**20/1059/15** Decision Date: 25/11/2020  
**Proposal:** Variation of conditions - 2 Approved Drawing, 3 Construction Traffic Management & 5 Off-street Parking - planning permission 20/0113/10).  
**Location:** SIDHU STORES AND POST OFFICE, FRANCIS STREET, THOMASTOWN, TONYREFAIL, PORTH, CF39 8DS

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**Report for Development Control Planning Committee**

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**Town (Llantrisant)**

**20/0583/10** Decision Date: 04/12/2020  
**Proposal:** Proposed rear double storey extension.  
**Location:** 47 HEOL ILLTYD, LLANTRISANT, PONTYCLUN, CF72 8DE

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**20/0911/10** Decision Date: 25/11/2020  
**Proposal:** Rear single storey extension to ground floor flat (part retrospective).  
**Location:** 9 HEOL GWYNNO, LLANTRISANT, PONTYCLUN, CF72 8DD

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**20/0987/10** Decision Date: 01/12/2020  
**Proposal:** Proposed two storey extension to rear and single storey extension to front.  
**Location:** 14 HEOL ILLTYD, LLANTRISANT, PONTYCLUN, CF72 8DE

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**Talbot Green**

**20/1068/10** Decision Date: 30/11/2020  
**Proposal:** Two-storey side and rear extension (amendment to approved application 18/0899/10)  
**Location:** 16 HEOL JOHNSON, TALBOT GREEN, PONTYCLUN, CF72 8HR

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**Pontyclun**

**20/0926/10** Decision Date: 01/12/2020  
**Proposal:** Single-storey front extension.  
**Location:** 15 MANOR HILL, MISKIN, PONTYCLUN, CF72 8JP

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**20/1043/19** Decision Date: 30/11/2020  
**Proposal:** Fell and remove Lime severely damaged in recent storm.  
**Location:** LAND ADJ TO LLYS NEWYDD, COWBRIDGE ROAD, PONTYCLUN

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**Llanharry**

**20/1022/10** Decision Date: 01/12/2020  
**Proposal:** Two-storey side extension.  
**Location:** 65 TREM Y GARTH, LLANHARRY, PONTYCLUN, CF72 9NL

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**20/1079/10** Decision Date: 01/12/2020  
**Proposal:** First floor side extension  
**Location:** 11 CLOS PINWYDDEN, LLANHARRY, PONTYCLUN, CF72 9GG

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Total Number of Delegated decisions is 36

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Report for Development Control Planning Committee

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**Aberdare West/Llwydcoed**

20/1100/10 Decision Date: 24/11/2020

**Proposal:** Proposed detached two bed dwelling (re-submission).

**Location:** 1 KINGSBURY COURT, LLWYDCOED, ABERDARE, CF44 0YN

**Reason: 1** Whilst the development of an additional dwelling at the application site, in principle, is considered acceptable, the proposal, by virtue of its position and relationship with the neighbouring property to the south, 1 New Scale Houses, would be considered to have a significant detrimental impact upon the amenity and outlook of its occupants, and would create unacceptable levels of harm.

The development would therefore be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**Aberdare East**

20/0634/13 Decision Date: 30/11/2020

**Proposal:** Outline application for the development of six residential dwellings (all matters reserved).

**Location:** LAND ADJACENT TO NO 29 TUDOR TERRACE, TRECYNON, ABERDARE, CF44 8EB

**Reason: 1** The proposed development would result in increased vehicular movements and car parking pressure along Tudor Terrace, which is already oversubscribed with on-street car parking narrowing the available width to single file traffic and blocking footways to the detriment of safety of all highway users and free flow of traffic, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan (2011).

**Reason: 2** The access lane fronting the site is sub-standard in terms of structural integrity to withstand the type and increase in vehicular traffic generated by the proposed development, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan (2011).

**Reason: 3** The proposed development would result in six dwellings served off a private shared access which does not comply with the Rhondda Cynon Taff Design Guide for Residential Estate Roads and is sub-standard in width, resulting in potential reversing movements to and from the highway and increased potential harm to all highway users, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan (2011).

**Reason: 4** The proposed development is unacceptable in principle given its location partially within a C2 Flood Zone, whereby residential development is classed as highly vulnerable development. As such, the proposal is contrary to national planning policy as set out in Planning Policy Wales (Edition 10, 2018) and TAN 15. In addition, it is contrary to Policy AW10 of the Rhondda Cynon Taf Local Development Plan (2011).

**Reason: 5** Insufficient information has been submitted to enable a full assessment of the impact of the proposal on protected species to be undertaken. The proposal is therefore contrary to Policy AW 8 of the Rhondda Cynon Taf Local Development Plan (2011).

Report for Development Control Planning Committee

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**Aberdare East**

**Reason: 6** The proposed development would be located directly adjacent to the busy A4059 as well as directly to the south of an existing footbridge, which provides uninterrupted views down into the site. Given this location, it is considered that future occupiers of the dwellings would experience frequent noise and disturbance from the A4059 as well as overlooking from users of the footbridge, which would adversely impact upon their residential amenities, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan (2011).

**Reason: 7** The proposed development does not respect the established pattern of development of the locality and is therefore considered to be detrimental to the character and appearance of the area and contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan (2011).

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**Porth**

20/1132/10

Decision Date: 04/12/2020

**Proposal:** Change of use to HMO from shop premises on ground floor and self contained flat on first floor.

**Location:** 70 & 70A PONTYPRIDD ROAD, PORTH, CF39 9PL

**Reason: 1** By virtue of its location within a designated C2 Flood Zone, the proposed development is at risk of flooding and is considered to be contrary to Policies AW2 and AW10 of the Local Development Plan as well as Planning Policy Wales Technical Advice Note (TAN) 15: Development and Flood Risk.

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**Cymmer**

20/1058/10

Decision Date: 01/12/2020

**Proposal:** Demolition of single storey extension, construction of double storey extension (part retrospective).

**Location:** 9 ST JOHN'S STREET, GLYNFACH, PORTH, CF39 9LA

**Reason: 1** The extension, by virtue of its scale, depth, height and siting, would result in a detriment to the residential amenity of the adjoining neighbouring occupiers. The proposal is therefore considered unneighbourly, excessive and contrary to the relevant policies of the Local Development Plan (AW5 and AW6) and Supplementary Planning Guidance contained within the 'Design Guide for Householder Development (2011)'.

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Report for Development Control Planning Committee

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**Graig**

20/1199/10

Decision Date: 03/12/2020

**Proposal:** Proposed change of use of part of the ground floor to create a single bedsit.

**Location:** GROUND FLOOR, 30 HIGH STREET, GRAIG, PONTYPRIDD, CF37 1QX

**Reason: 1** The proposal would result in the creation of substandard living accommodation due to a lack of natural daylight with a poor outlook, and sub-standard primary access. As such, the scheme is considered contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and also the Council's adopted Supplementary Planning Guidance: Development of Flats – Conversions and New Build.

**Reason: 2** The proposed means of access is sub-standard to cater for residential use and its use would result in hazards to the detriment of highway safety and the free flow of traffic. As such, the development does not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 3** The developments lack of off-street parking provision would result in the creation of on-street parking demand to the detriment of highway safety and the free flow of traffic. As such, the development does not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**Pontyclun**

20/0922/10

Decision Date: 23/11/2020

**Proposal:** Converting ground floor offices of the car valeting centre into a hot food takeaway (B1 to A3 use).

**Location:** 38 COWBRIDGE ROAD, PONTYCLUN, CF72 9EE

**Reason: 1** The establishment of a hot food take-away in this property would be detrimental to the amenities of nearby residential properties by reasons of increased late evening/night time noise and general activity. As such the development would be contrary to Policies AW 5 and AW 10 of the Rhondda Cynon Taf Local Development Plan.

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Report for Development Control Planning Committee

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Llanharry

20/1063/10 Decision Date: 30/11/2020

**Proposal:** Proposed front porch and two-storey side extension with associated internal alterations.

**Location:** 59 HEOL PANT GWYN, LLANHARRY, PONTYCLUN, CF72 9HW

**Reason: 1** By virtue of its scale, mass and design, the proposed side/front extension would form an obtrusive and overbearing addition, which would serve to 'unbalance' the appearance of the pair of semi-detached dwellings of which it is a part, creating a development that is out-of-keeping with the character of the local area and detrimental to the visual amenity of its surroundings. The development is therefore contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance 'A Design Guide for Householder Development (2011)'.

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Brynna

20/0918/10 Decision Date: 04/12/2020

**Proposal:** Re-develop and re-roof existing conservatory, rear extension, rear supported canopy and detached garage to front drive.

**Location:** 229 MEADOW RISE, BRYNNA, PONTYCLUN, CF72 9TP

**Reason: 1** By virtue of their scale, mass and design, the proposed rear extensions would form an obtrusive and overbearing addition, which would serve to create a development that would be out-of-keeping with the character of the local area and detrimental to the visual amenity of their surroundings.

By virtue of their scale and depth, the proposed rear extensions would have an unacceptable overbearing impact upon the residential amenity of the neighbouring dwelling of 228 Meadow Rise. The proposal is therefore considered unneighbourly and excessive.

The proposed garage, by virtue of its siting forward of the dwelling and adjacent to the boundary of No.234 Meadow rise, would form an obtrusive development, out of character with the appearance of the wider cul-de-sacs and detrimental to the visual amenity of its surroundings.

The proposed development is therefore contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance 'A Design Guide for Householder Development (2011)'.

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Total Number of Delegated decisions is 8